



CRP.No.5048 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP.No.5048 of 2023

and

CMP.No.29365 of 2023

Chinnasamy

...

Petitioner

Vs.

Sounthari

...

Respondent

Prayer: Civil Revision Petition has been filed under Article 227 of Constitution of India to direct the learned Subordinate Judge, Dharapuram to number the I.A. In CFR No.55 of 2023 filed under Order 9 Rule 13 of CPC in O.S.No.351 of 2021 and try the application in the manner known to law.

For Petitioner : Mr. N.Ponraj

ORDER

This civil revision petition has been filed to to direct the learned Subordinate Judge, Dharapuram to number the I.A. in CFR No.55 of 2023 filed under Order 9 Rule 13 of CPC in O.S.No.351 of 2021 and try the application in the manner known to law.



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2.The learned counsel appearing for the petitioner submitted that the respondent filed a suit for recovery of money against the petitioner alleging that the petitioner borrowed a sum of Rs.1 lakh and failed to repay. The above suit was taken on file as O.S.No.351 of 2021 on the file of the Subordinate Court, Dharapuram, wherein the petitioner was set exparte and exparte decree was passed on 28.11.2022. On knowing the above decree, on 02.01.2023 the petitioner filed an application under Order 9 Rule 13 CPC seeking to set aside the expare decree but the same was not numbered till date. Whereas, without numbering the above application, the learned Subordinate Judge is proceeding with the execution application filed by the respondent in E.P.No.121 of 2023. Hence, the petitioner by way of the present civil revision petition sought direction of this court to the Trial Judge to dispose the case within a stipulated time.

3.I have considered the matter in the light of the submission made by the learned counsel appearing for the petitioner and perused the material available on record.



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4.On verification through e-filing, the total pendency of the trial Court is 677. With regard to the speedy disposal of pending cases in the Court, the ***Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra*** held that “since every High Court and every Court in the country has a huge pendency, the constitutional court should avoid temptation of fixing a time-bound schedule for disposal of any case before any court unless the situation is extra ordinary.”

5.Considering the pendency of the case before the trial Court and the decision of the Hon'ble Supreme Court ***in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra***, no time bound direction can be passed for disposal of the case. Accordingly, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index:Yes/No

Internet:Yes/No

sms

To

The Subordinate Court, Dharapuram.

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V.SIVAGNANAM, J.

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