



CRP.No.958 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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1.Ponselvi
2.Tejashri
3.Vaishavi ... Petitioners
(2 & 3 Minor petitioners are
represented by their mother
Natural guardian Mrs.Ponselvi)

Vs.

1.A.E.Sundaramoorthy
2.Balakrishnan
3.Padmavathi
4.Shanthi
5.Chandrakala ... Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of Constitution of India to direct for speedy disposal of trial in O.S.No.539 of 2021 on the file of the Hon'ble Court of III Additional District and Session Judge, Poonamallee.

For Petitioners : Mr.C.Arun Kumar



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ORDER

This civil revision petition has been filed to direct for speedy disposal of trial in O.S.No.539 of 2021 on the file of the III Additional District and Session Court, Poonamallee.

2.The learned counsel appearing for the petitioners submitted that the petitioners filed a suit in O.S.No.539 of 2021 for partition before the District and Session Court at Thiruvallur and the same was transferred to District and Sessions Court, Poonamallee and it was taken on file and issued summons to the defendants. The suit was adjourned for a written statement. Till now, the defendants have failed to file their written statement and asked for an unnecessary adjournment without any plausible reason. Hence, the petitioners by way of the present civil revision petition sought direction of this court to the Trial Judge to dispose of 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 334. With regard to the 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 Maharashtra*** 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 Maharashtra***, no time bound order can be passed for disposal of the case. However, on perusal of the Court proceedings, the case is pending for more than one year for filing of the written statement and it was adjourned periodically for filing of the written statement and next hearing date is 05.04.2024 for filing of the written statement. Therefore, the trial Court is directed to fix a time limit for filing written statement, if not filed, proceed further and decide it on merits.



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6. With the above direction, the Civil Revision Petition is closed.

No costs.

Index: Yes/No
Internet: Yes/No
sms

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To

Additional District and Session Court,
Poonamallee.

V.SIVAGNANAM, J.



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