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C.R.P.No.141 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.02.2024

PRONOUNCED ON: 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition No.141 of 2024

M. Madhaiyyan

...

Petitioner

Vs

1. Arulprakasam

2. R. Ranjithkumar

...

Respondent

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to issue suitable directions to the III Additional District Court, Salem to pass final order in O.S.No.2 of 2021 within a stipulated period and allow the CRP.



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For Petitioner : Mr M. Madhaiyyan
(party in person)

ORDER

This Civil Revision petitin has been filed to issue direction to the III Additional District Court, Salem, to pass final order in O.S.No.2 of 2021.

2. The fact of the case is that the respondents/plaintiffs had filed a suit in O.S.No.2 of 2021, which is now pending on the file of the III Additional District Court, Salem, as against the petitioner/defendant for specific performance based on the Sale Agreement dated 27.09.2019, in which, the petitioner/defendant has filed a petition in I.A.No.2 of 2021 for rejection of plaint and subsequently, he had filed a revision in CRP(PD) No.312 of 2022 before the High Court, Madras for early disposal of the said I.A.No.2 of 2021 and a direction was issued by this Court to dispose the said I.A.No.2 of 2021 on or before 30.04.2022. Thereafter, he had filed a transfer petition in Tr.C.M.P.No.813 of 2023 before this Court to transfer the abovesaid O.S.No.2 of 2021 from III Additional District Court, Salem to the Principal District



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Court, Namakkal and this Court, by an order dated 31.08.2023 dispose the same with a direction to the suit as expeditiously as possible after passing orders in all the interlocutory applications. Since the learned Trial Judge had failed to consider the same and not passed any order, the present revision petition has been filed.

3. The petitioner, who appeared party-in-person, had submitted that though this Court by an order dated 31.08.2023 directed the III Additional District Judge, Salem to dispose of the O.S.No.2 of 2021 as expeditiously as possible, the Trial Judge failed to consider the same and the said suit has not been disposed of as on date and thus, pleaded to allow the revision.

4. Heard and perused the materials available on record carefully.

5. On verification of records, it is seen that the respondents/defendants had filed a suit in O.S.No.2 of 2021 as against the petitioner/defendant for specific performance based on the Sale Agreement dated 27.09.2019, in



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which, the petitioner/defendant has filed a transfer petition in Tr.C.M.P.No.813 of 2023 before this Court to transfer the above said O.S.No.2 of 2021 from the III Additional District Court, Salem to the Principal District Court, Namakkal and this Court, by an order dated 31.08.2023 dispose the same with a direction to the suit as expeditiously as possible.

6. The contention of the petitioner is that even after the direction of this Court, the suit has not been disposed of till date and sought for a direction of this court to the Trial Judge for speedy disposal of the case.

7. At this juncture, it is worthwhile to note that 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*** has dismissed the writ petition, by observing as follows.

“ We are of the view 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.”



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8. Further, on direction by this Court, it is reported by the Registry through e-filing that the total pendency of the above Court is 701 cases are pending before the III Additional District Court, Salem.

9. In view of the above cited Judgment of the Hon'ble Supreme Court, . time could not be framed for disposing the case. However, considering the earlier order passed by this Court in Tr.CMP No.813 of 2023, by reiterating the same, the learned Judge, III Additional District Court, Salem, is directed to dispose the case as early as possible.

10. With the above direction, this Civil Revision Petition is closed. No costs.

26.02.2024

Index: yes/no
Internet:yes/no
mrp

To
III Additional District Judge,
III Additional District Court,
Salem,

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V. SIVAGNANAM, J.

mrp

**Pre-Delivery Order
in
C.R.P.No.141 of 2024**

26.02.2024