



CRP No.222 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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M/s Kwik Patch Ltd.,
rep. by its Chief Operating Officer/
Authorized signatory Mr.T.Ravi,
SSR Godown, Amanambakkam Road,
Vallam, Chennai 603 002.

... Petitioner

Vs.

M/s A.E.Logistics Pvt. Ltd.,
Unit 710A/B, Spencers, No.768/769,
VII Floor, Spencer Plaza, Anna Salai,
Chennai 600 002.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to fix time as two months to complete enquiry in I.A.No.6/2023 and Trial in C.O.S.No.624/2022 before the Commercial Court, Chennai.

For Petitioner

: Mr.K.K.Murralitharan

ORDER



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This Civil Revision Petition has been filed to give direction to the learned Judge, Commercial Court at Egmore, Chennai to complete enquiry in I.A.No.6/2023 and Trial in C.O.S.No.624/2022, within two months.

2. The petitioner company is the plaintiff in C.S.No.472/2011. Originally the above said case was filed before this Court against the respondent herein/defendant for recovery of a sum of Rs.29,99,510.93 together with interest at the rate of 18% p.a. from the date of plaint till the date of realization. Subsequently, the above said case was transferred to the City Civil Court, Chennai, wherein, it was taken on file as O.S.No.106/2020. Again, the case was transferred to the Commercial Court, Egmore, Chennai and it was taken on file as C.O.S.No.624/2022. After completion of plaintiff side evidence, the case was posted for defendant side evidence and at that time, the respondent/ defendant filed an application in I.A.No.6/2023 under Order I Rule 10(2) of CPC to implead " Sports Glove India Ltd." as 2nd defendant in the suit. In the above application, the petitioner/plaintiff has filed counter affidavit. According to the petitioner, the



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above petition has been filed only to protract the suit proceedings and since the suit is pending for more than 12 years before three different courts, it is necessary to give direction to the Commercial Court to complete the enquiry in I.A.No.6/2023 as well as Trial in C.O.S.No.624/2022, within two months.

3. A perusal of the 'A' Diary extract from 20.06.2022 to 29.11.2023 shows that plaintiff side evidence was closed on 11.10.2022 and it was pending for defendant side evidence from 15.11.2022 to 07.07.2023. Thereafter, on 03.08.2023, the respondent/defendant has filed the above said application in I.A.6/2023 to implead another defendant in the suit. In such circumstances, the present civil revision petition has been filed seeking direction of this court, as stated supra.

4. 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 Maharastra*** has dismissed the writ petition, by observing as follows.



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“ 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.”

5. Further, pursuant to the direction of this Court, the Registry, on verification through e-filing, has reported that the total pendency of the Commercial Court, Chennai is 261.

6. Considering the total pendency of the cases as well as the nature of the suit, which is commercial in nature, and also taking note of the fact that originally the case was filed before this Court and thereafter transferred to the City Civil Court, Chennai and again transferred to the Commercial Court, Egmore, Chennai, the learned Judge, Commercial Court at Egmore, Chennai is directed to dispose of the I.A.No.6/2023, within one month from the date of receipt of a copy of this order and thereafter dispose of the O.P.No.810/2019, as early as possible.



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6. With the above direction, the Civil Revision Petition is disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

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To

1. The Commercial Court at Egmore, Chennai.



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V.SIVAGNANAM, J.,

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