

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4330 of 2025

Kandasamy Gounder (died)

Ammasi @ muthu Gounder (died)

Marappan (died)

Gurusamy (died)

Kunjammal (died)

Nagarajan (died)

... deceased Plaintiffs

1. Annapoorani

2. Kunjammal @ Nallammal

3. Kesavan

4. Rani

5. Valarmathi

... Petitioners / Petitioners 8 to 12 /
LRs of Plaintiffs 2 & 4

Versus

Velayee (died)

Muthusamy (died)

... deceased D1 and D2

1. Pappayammal

... 1st Respondent / 3rd Respondent /
3rd defendant

2. Sarasu

3. Selvi

4. Chandrasekaran

5. Eswari

... Respondents 2 to 5 / Respondents 4 to 7 /
L.Rs of 2nd defendant

6. Ragul

7. Sivakami

... Respondents 6 & 7 / Respondents 8 & 9 /
L.Rs of 6th plaintiff

8. Paulraj

... 8th Respondent / 7th Petitioner /
L.Rs of the 2nd plaintiff

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif, Sankari to dispose of I.A.No.374 of 2015 in O.S.No.327 of 1988 within the time frame fixed by this Court.

For Petitioners : Mr.N.Manoharan

ORDER

Seeking a direction for the speedy disposal of the I.A.No.374 of 2015 in O.S.No.327 of 1988 on the file of the learned District Munsif, Sankari , the petitioner has preferred the present civil revision petition.

2. The learned counsel appearing for the petitioner would submit that the plaintiffs filed the suit in O.S.No.327 of 1988 for partition and separate possession. The trial Court passed a preliminary decree for partition, against which the defendants preferred an appeal in A.S.No.16 of 2007 on the file of the Sub Court, Sankari and the Lower Appellate Court also confirmed the judgment and decree of the trial. Aggrieved over the same, the defendants preferred a second appeal in S.A.No.1298 of 2014 before this Court and this Court also dismissed the second appeal and confirmed the preliminary decree passed by the courts below. Pursuant to the preliminary decree passed in O.S.No.327 of 1998, the plaintiffs filed a final decree application in I.A.No.374 of 2015 under order 26 Rule 13 CPC on 03.04.2014. The defendants had dragged the matter for some reason or other. Though the said final decree petition in I.A.No.374 of 2015 in O.S.No.327 of 1988 is of the year 2015 and more than 10 years have been lapsed, he prays for speedy disposal of the I.A.No.374 of 2015 in O.S.No.327 of 1988 is just and necessary. To strength his contention, the learned counsel appearing for the revision petitioner relied upon the judgments of

this Court reported in ***CDJ 2022 SC 1380 Bhoj Raj Garg Vs. Goyal Education & welfare Society and others.***

3. It is pertinent to mention that High Court cannot issue such directions for speedy disposal unless there is a justification (or) acceptable reasons for issuing any such directions. It is relevant to cite the judgment of this Court in ***S.Baby Vs. S.Sakkubai Ammal*** reported in ***2023 SCC OnLine Mad 674***, wherein, it has been held in paragraph nos.11 and 12 as follows:

“11. In the event of issuing direction in Civil Revision Petitions for speedy disposal without considering the number of cases pending in a particular Court on Board, it will result in discrimination against many other litigants, who all are waiting for disposal of their respective cases. There are allegations against the Courts that the cases are selectively picked up and disposed of. The plight of the poor and downtrodden are also to be taken into consideration, while disposing of the cases. The Court shall not pave way for such feeling to the litigants. The trust on the Judicial System is the Hallmark and any form of favouritism, nepotism or otherwise even in the matter of hearing of cases selectively will have larger repercussions on the system. No doubt certain cases are to be disposed of urgently, if there is

a public interest involved or the litigants are able to establish genuine urgency for early disposal of the cases. Such cases alone are to be given priority.

12. The practice of giving preference to any litigation without any justification at all circumstances to be avoided. Every litigant approaching the Court of Law is waiting for justice and thus, it must be done in a consistent manner and without discriminating the litigants. Therefore issuing directions indiscriminately for speedy disposal of cases would do no service to the cause of justice. Every urgency cannot be considered for issuing a direction for speedy disposal, and the urgency, which is imminent alone to be considered.”

4. It is also relevant to cite the judgment of the Hon'ble Supreme Court in ***Sangram Sadashiv Suryavanshi Vs. The State of Maharashtra*** reported in **2024 INSC 899**, wherein, it has been held as follows:

“In paragraph 47.3 of the decision of a Constitution Bench of in the case of ‘High Court Bar Association, Allahabad vs. State of Uttar Pradesh & Ors. reported in (2024) 6 SCC 267, this Court has held that in the ordinary course, the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Paragraph 47.3 reads thus:

“47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending;”
(underline supplied)

A direction which can be issued in exceptional circumstances is being routinely issued by High Courts without noticing the law laid down by the Constitution Bench.”

5. By applying the ratio laid down in the above judgments, fixing a time-bound schedule for the Court below to dispose of the cases pending therein is not warranted. The Court concerned is expected to regulate its own procedure in respect of the cases on board for effective disposal and to ensure that the cases are disposed of within a reasonable period of time.

6. Considering the extraordinary circumstances, the District Munsif, Sankari, shall dispose of the I.A.No.374 of 2015 in O.S.No.327 of 1988 within a period of six months from the date of receipt of a copy of this order.

With the above observations, this civil revision petition stands disposed of. No costs.

12.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned District Munsif, Sankari.

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M. JOTHIRAMAN, J.

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