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CRP.No.4431 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.Nos.4431 of 2025

1. Malathi

2. Malini

3. Premalatha

... Petitioners /

Petitioners 1 to 3 / Defendants 2 to 4

Versus

1. Pushpalatha

... 1st Respondent /

1st Respondent / Plaintiff

Sakubai (Died)

2. Sarathi

3. Saratha

4. Lakshmi

... Respondents 2 to 4 /

Respondents 3 to 5 / Defendants 5 to 7

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned III Additional District Judge, Kallakurichi to dispose of the I.A.No.23 of 2022 in O.S.No.32 of 2018, within the time to be stipulated by this Court.

For Petitioners

: Ms.R.Divyapreathika



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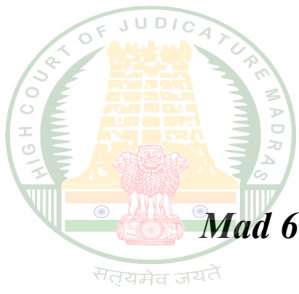
ORDER

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Seeking a direction for the speedy disposal of I.A.No.23 of 2022 in O.S.No.32 of 2018 on the file of the learned III Additional District Judge, Kallakurichi, the petitioners have preferred the present civil revision petition.

2. The learned counsel appearing for the revision petitioners would submit that the suit in O.S.No.32 of 2018 is filed seeking for partition and a preliminary decree was passed on 09.02.2021 and the parties filed a final decree application on 18.08.2021 and appointed an Advocate Commissioner vide order dated 11.01.2023 and the Advocate Commissioner also filed a report along with sketch on 23.01.2024 and final decree application in I.A.No.23 of 2022 is pending for the past years without any progress and he prays for speedy disposal of the I.A.No.23 of 2022 in O.S.No.32 of 2018 is just and necessary.

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*

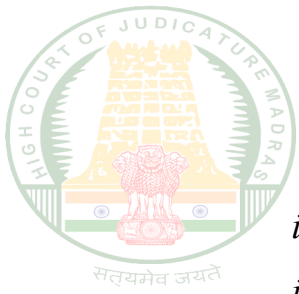


Mad 674, wherein, it has been held in paragraph nos.11 and 12 as follows:

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“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



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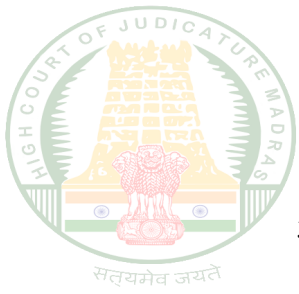
issuing a direction for speedy disposal, and the urgency, which is imminent alone to be considered.”

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.”



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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. In view of the same, the learned III Additional District Judge, Kallakurichi, shall dispose of the I.A.No.23 of 2022 in O.S.No.32 of 2018 as expeditiously as possible.

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

17.09.2025

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Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

M. JOTHIRAMAN, J.

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To

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WEB COPY The learned III Additional District Judge,
Kallakurichi.

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