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C.R.P.No.4876 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4876 of 2025

R.Arthy

... Petitioner / Complainant

Versus

1. Premkumar
2. Anusha
3. Vijaybabu
4. Suganthi

... Respondents / Respondents

Prayer:- Civil Revision Petition filed under Section 227 of Constitution of India, to pass an order for speedy trial in D.V.C.No.8 of 2021 pending on the file of the Learned Judicial Magistrate No.1, Virudhachalam, within time frame fixed by this Court.

For Petitioner : Mr.E.C.Ramesh

ORDER

Seeking a direction for the speedy disposal of the case in D.V.C.No.8 of 2021 pending on the file of the Learned Judicial Magistrate No.1, Virudhachalam, the petitioner has preferred the present civil revision petition.

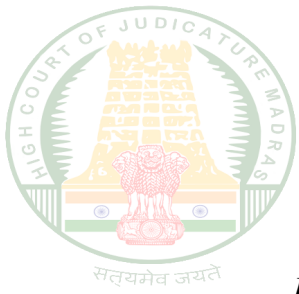


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2. The learned counsel appearing for the petitioner would submit that the marriage between the revision petitioner and the first respondent was solemnized on 02.09.2019. The first respondent filed a petition for divorce in F.C.O.P.No.16 of 2021 before the learned Family Court Judge, Namakkal which was subsequently transferred to the learned Principal Sub-Judge, Virudhachalam, Cuddalore District and re-numbered as H.M.O.P.No.134 of 2021. The same is still pending. Due to the cruelty inflicted by the husband and his family members, the petitioner filed D.V.C.No.8 of 2021 on the file of the Learned Judicial Magistrate No.1, Virudhachalam. The said petition, filed in 2021, remains pending, causing great hardship and irreparable loss to the petitioner. He would further submit that the speedy disposal of D.V.C.No.8 of 2021 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:



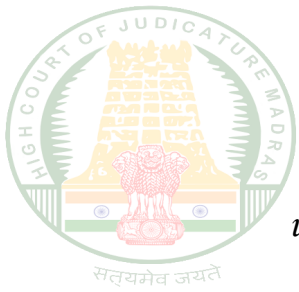
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“11. In the event of issuing direction in Civil Revision Petitions for speedy disposal without considering the number of cases pending in a particular Court on Board, it will result in discrimination against many other litigants, who all are waiting 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 issuing a direction for speedy disposal, and the



urgency, which is imminent alone to be considered.”

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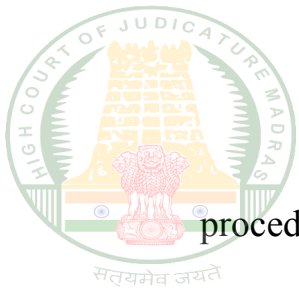
4. It is also relevant to cite the judgment of the Hon'ble Supreme Court in ***Sangram Sadashiv Suryavanshi Vs. The State of Maharashtra*** reported in **2024 INSC 899**, wherein, it has been held as follows:

“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



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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 age of the case and also considering the stage of the case, the learned Judicial Magistrate No.1, Virudhachalam, is requested to dispose of the case in D.V.C.No.8 of 2021, within a period of six months from the date of receipt of a copy of this order.

7. With the above observations, this Civil Revision Petition stands disposed of. No costs.

13.10.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned Judicial Magistrate No.1, Virudhachalam.



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M.JOTHIRAMAN, J.

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