

W.P.(MD)No.22142 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.22142 of 2025

1.Rajalalli
2.A.M.Arunchandar
3.A.M.Manish Chandar

... Petitioners

-Vs-

1.The Authorized Officer,
Canara Bank,
West Avani Moola Street Branch,
Madurai.

2.Karthick Raja

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Debt Recovery Appellate Tribunal to dispose of the appeals R.A.(S.A).No.30 of 2024, R.A.(S.A).No.31 of 2024, R.A.(S.A).No.26 of 2024, R.A.(S.A).No.27 of 2024, within the time frame stipulated by this Court.

For Petitioners : Mr.B.Bhuvaneshvari,
for M/s.Ganesan Legist Law Firm

For R1 : Mr.V.Balasubramanian



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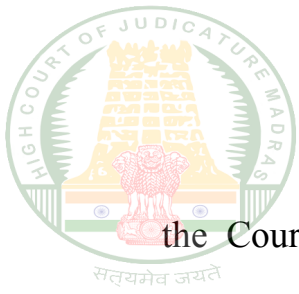
ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The *lis* on hand has been instituted, seeking for a direction to the Debt Recovery Appellate Tribunal to dispose of the appeals in R.A.(S.A).No.30 of 2024, R.A.(S.A).No.31 of 2024, R.A.(S.A).No.26 of 2024 and R.A.(S.A).No.27 of 2024, within the time frame stipulated by this Court.

2.The sole grievance of the petitioners is that the appeals pending before the Debt Recovery Appellate Tribunal are yet to be disposed of. Despite the fact that urgency is placed before the Tribunal, no action has been taken, which resulted in filing of the present Writ Petition.

3.This Court cannot appreciate the stand of the petitioners, in view of the fact that it is for the Presiding Officer / learned Judge of the Court concerned to consider the urgency of the case pending on the board and accordingly, dispose of the matters. If at all any direction is issued by the High Court by fixing time line, it may not be practically possible for the Presiding Officer / learned Judge to dispose of the same on account of various reasons. The cases are disposed of by



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the Courts with the assistance of lawyers and litigants. In the event of non co-operation, it may not be possible for the Court to dispose of the cases within the time line if any fixed by the High Court or the Hon'ble Supreme Court of India. These are all the issues to be left open to the learned Judge concerned.

4. Adherence of time line fixed by the High Court for disposal of the cases would be possible, if the parties to the *lis* cooperates for early disposal of the cases. In numerous cases, where High Court issued directions fixing time line to dispose of the cases, the Courts below are not in a position to comply with the same on account of non-cooperation on the part of either of the parties. Unnecessary interlocutory applications / petitions are filed to prolong and protract the matter and to increase the longevity of the cases so as to achieve their idea to pass on the cases to some other Presiding Officer or to dilute the issues involved in the particular case. It is possible that, on account of efflux of time, the issues may be faded from the minds of the litigants, witnesses etc., which would pave way for escaping from the clutches of law. This is one of the tactics being adopted with the assistance of the legal brains, which is liable to be thwarted.

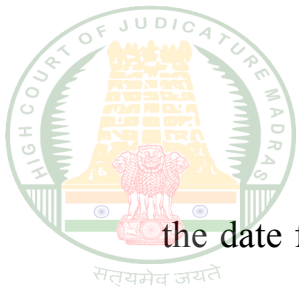


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5. Each Court is having more number of cases and it is to be regulated by the Presiding Officer of the Court concerned. The Presiding Officer is the best person to make assessments regarding the pending litigations and to take decision to dispose of the cases as expeditiously as possible, considering the issues involved and the factors need to be considered etc. Intervention of the High Court by issuing a direction fixing time line, undoubtedly, will create pressure in the mind of the Presiding Officer concerned. In such an event, he may not be in a position to dispose of the cases freely and fairly, by which, there is a likelihood of causing prejudice to either of the parties directly or indirectly. High Court, no doubt, can issue directions fixing time line in exceptional cases, where such direction is imminent. Even while issuing such directions, High Court may ensure that the parties cooperate for early disposal of the cases before the Court concerned. Suitable conditions are to be imposed for the disposal of the cases.

6. Unnecessary adjournments should be avoided. Adjournments on flimsy grounds are to be dealt with seriously. Exemplary cost is to be awarded for seeking adjournments on flimsy grounds. Leniency in granting adjournments should not be accepted by the Courts. Law requires that the case is to be heard on

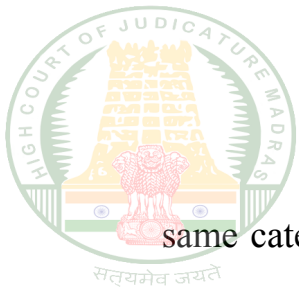


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the date fixed for hearing. Adjournments are exception and to be granted only on genuine grounds. Once hearing commenced, long adjournments are to be avoided by the Courts concerned. Long pendency of litigations are causing untold mental agony to the litigants and unnecessary adjournments will add fuel to the fire. Once the Court formed an opinion that any of the parties to the lis is attempting to increase the longevity of the cases, then stern action is to be initiated.

7.This Court is of the considered view that High Court is expected to exercise restraint in fixing time line for disposal of the cases in a routine manner. Frequent directions fixing time line for the disposal of the cases would not yield any fruitful result, but the Presiding Officers are unnecessarily pressurised for writing letters to the High Court seeking extension of time and they may not be in a position to concentrate on the disposal of the cases.

8.In this context, the Hon'ble Supreme Court in the case of ***Sangram Sadashiv Suryavanshi Vs. The State of Maharashtra in Crl.A.No.4758 of 2024*** dated **25.11.2024** considered the principles. The Apex Court made observation that time bound directions issued by the High Court would adversely affect the functioning of the trial courts as in many trial courts there may be older cases of



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same category pending. The Apex Court relied on paragraph 47.3 of the decision of a Constitution Bench of the Supreme Court in the case of ***High Court Bar Association, Allahabad Vs. State of Uttar Pradesh & Ors., in Crl.APP. @ SLP (Crl.)No.13366 of 2024.*** The court held that in the ordinary course, the Constitution Courts are refrained from fixing the time bound schedule for the disposal of the 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."

9.In view of the said principles, this Writ Petition stands dismissed. No costs.

(S.M.S., J.) & (G.A.M., J.)
12.08.2025
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NCC : Yes / No
Index : Yes / No

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