

THE HON'BLE SRI JUSTICE BATTU DEVANAND**CIVIL REVISION PETITION NO.1217 of 2020****ORDER:**

This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking intervention of this Court for not disposing the I.A.No.565 of 2011 in O.S.No.30 of 2002 on the file of the II Additional District Judge, Krishna at Vijayawada.

2) The petitioners herein are the plaintiffs and the respondents herein are the defendants in O.S.No.30 of 2002.

3) Considering the nature of the order going to be passed, notice to the respondents is dispensed with.

4) The petitioners filed O.S.No.30 of 2002 seeking decree in favour of them and against the defendant Nos.4 and 9 for the following reliefs:-

(a) That the sale deed, dated 18.03.2002 executed by 4th defendant in favour of 9th defendant in relation to the schedule property does not bind the plaintiffs and defendant Nos.1 to 7 after the life time of the 4th defendant as she is entitled to collect rents from it and live and for consequential relief of permanent injunction restraining the defendants 4 and 9 for disturbing the *status quo* by inducting the 9th defendant into the schedule

house as purchase of the same under the above sale deed, dated 18.03.2002;

(b) for partition of the plaint schedule house by passing a preliminary decree into six equal shares and allot two such shares to the plaintiffs;

(c) for past profits from the 9th defendant since 04.06.2003 in a sum of Rs.2000/- per month x 14 = Rs.28,000/- and from the 8th defendant at Rs.900/- per month x 14 = Rs.12,600/-;

(d) for a direction for ascertainment of mesne profit on those portions from the date of suit till date of realization from the defendants 8 to 9 respectively.

5) The Court below decreed the suit in favour of the petitioners by its decree and judgment, dated 16.08.2010. Against the same, 9th respondent herein filed an appeal in A.S.No.893 of 2020 before this High Court which is pending for adjudication. As there is no stay of the operation of the judgment, dated 16.08.2010 of the Court below in appeal, the petitioners filed I.A.No.565 of 2011 before the II Additional District Judge, Krishna at Vijayawada with a prayer to appoint an Advocate Commissioner for ascertaining of past mesne profits as mentioned in the preliminary decree, dated 16.08.2010.

6) Heard Sri S. Satyanarayana Murthy, learned counsel for the petitioners. Perused the record.

7) Learned counsel submits that since 2011 the said I.A.No.565 of 2011 was kept pending and getting adjourned and the respondents taking advantage of the delay, enjoying the property since 2002. Whereas the petitioners, who are aged 80 years and 72 years respectively, who are putting indifferent health now, are suffering a lot because of the delay of 9 years in disposing I.A.No.565 of 2011 with a fond hope that they will enjoy the fruits of the decree during their life time, they approached this Court by filing this Civil Revision Petition. The learned counsel further submits that as the petitioners are senior citizens, speedy disposal of the I.A.No.565 of 2011 is necessary. He also submits that if this Court orders for speedy disposal, no prejudice will be caused to the respondents.

8) As seen from the record, admittedly, the suit in O.S.No.30 of 2002 filed by the petitioners was decreed by the Court below by its decree and judgment, dated 16.08.2010. Aggrieved by the same, the 9th respondent preferred an appeal before this Court in A.S.No.893 of 2010 and it is pending for adjudication. As there is no stay of the operation of the decree and judgment of the Court below in appeal, the petitioners filed I.A.No.565 of 2011 before the Court below and it is pending since 2011.

9) As per the age mentioned in the cause title of this Civil Revision Petition and as per the submissions made by the

learned counsel, the age of the 1st petitioner is 80 years and the age of the 2nd petitioner is 72 years. Admittedly, they are the senior citizens. They approached this Court with a fond hope that they will enjoy the fruits of the decree during their life time with a prayer to direct the II Additional District Judge, Krishna at Vijayawada to dispose of the I.A.No.565 of 2011 which was pending since 2011.

10) Without going into the merits of the case, in the considered opinion of this Court, the request of the petitioners, who are the senior citizens, has to be considered positively and their hope towards this institution has to be proved to meet the ends of justice.

11) The year 1999 was observed as "International Year of Older Persons". In view of the "National Policy for Older Persons" adopted by the Government of India, the High Court of Andhra Pradesh at Hyderabad issued a Circular in ROC.No.4790/1999/OP Cell-E, dated 02.11.1999 directing all the Judicial Officers in the State to identify and dispose of matters in which persons above "65 years" of age are involved, on priority basis.

12) Subsequently, the High Court of Andhra Pradesh issued Circulars in (1) ROC.No.3465/E-1/2003, dated 05.12.2003, (2) ROC.No.1230/OP Cell-E/2005, dated 20.08.2005 and

ROC.No.3465/E-1/2003, dated 14.12.2011 and further the High Court of Judicature at Hyderabad for the State of Telangana and for the State of Andhra Pradesh issued a Circular in ROC.No.5226/OP Cell-E/2014, dated 20.12.2014 in which specific instructions are issued to give priority to the cases relating to senior citizens for the expeditious disposal.

13) It appears that in spite of specific instructions issued by the High Court of Andhra Pradesh time to time, the pendency of cases relating to senior citizens are not decreasing as the rate of disposal is less, when compared to the filing of new cases. In some cases, the concerned Courts are adjourning the cases years together without disposing of the same. The present case is one of the best examples. The petitioners filed the suit in the year, 2002 and it was decreed in the year 2010 and the petitioners filed an interlocutory application on 07.02.2011 as per the docket proceedings of I.A.No.565 of 2011. It was adjourned time to time and pending till date. As such, it is clear that the said interlocutory application is pending before the Court below for more than 9 years which is very unreasonable and contrary to the procedure contemplated under law.

14) It is not sufficient to respect and honour the senior citizens in the late evening of their life by giving some concessions in bus, rail and Air fares and giving priority in

allotting lower berths in the trains and comfortable seats in buses. The real respect and honour to the senior citizens is to render speedy justice to them for which they would have a legitimate expectation.

15) It is the duty of the Courts to see that the senior citizens shall be given priority for early disposal of their cases whether those are civil or criminal or service or any type of litigation to enable them to enjoy the fruits of litigation during their life time. The Courts have to remember that the right to speedy trial of cases before the Courts is recognized to be a part of fundamental right guaranteed under Article 21 of the Constitution of India.

16) In view of the fact that the petitioners are aged about 80 years and 72 years respectively and this Court noticed from the record that some of the respondents are also “senior citizens” who are at the fag-end of their life, they have to feel happy and they have to get fruits of the litigation by rendering speedy justice to them.

17) Before parting with this case, we feel it appropriate to extract the following observation of the Hon’ble Apex Court in **Rajindra Singh v. Prem Mai**¹ at para No.11 as hereunder:

¹ (2007) 11 SCC 37

“People in India are simply disgusted with this state of affairs, and are past losing faith in the judiciary because of the inordinate delay in disposal of cases. We request the authorities concerned to do the needful in the matter urgently to ensure speedy disposal of cases if the people’s faith in the judiciary is to remain.”

18) In the above said circumstances, the Civil Revision Petition is disposed of directing the II Additional District Judge, Krishna at Vijayawada to dispose of the I.A.No.565 of 2011 in O.S.No.30 of 2002, as expeditiously as possible, preferably within two (02) months from the date of receipt of the copy of this order in accordance with law and to file compliance report with the Registrar General of this Court.

19) All contentions of the parties are kept open.

20) There is no order as to costs.

Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE BATTU DEVANAND

Dt. 07.12.2020

Note: Issue CC in two days.

B/o
PGR

Note: LR copy be marked.