

(1926) 03 MAD CK 0093
In the Madras High Court

Sellan

APPELLANT

Vs

Vettiyan Parayan

RESPONDENT

Date of Decision : 25-03-1926

Acts Referred:

Citation : AIR 1926 Mad 944(1) : 97 Ind. Cas. 895 : (1926) 24 LW 413

Hon'ble Judges : Devadoss, J

Bench : Division Bench

Judgement

Devadoss, J.—This is an application to revise the order of the Subordinate Judge of Salem in S.C.S. No. 247 of 1923. The learned Subordinate Judge refused to grant an adjournment at the request of the plaintiff and dismissed the suit. The plaintiff was ready with his witnesses on several occasions before 21-1-24 when the suit came on for hearing. From the decree it appears that he paid subsistence allowance to the extent of Rs. 23-4-0 and from the subpoenas now produced it is clear that he was ready on several occasions when the Court adjourned the suit for want of time. The Court could have granted some time in consideration of the fact that he was ready on previous occasions, to enable him to produce his witnesses.

2. The practice of posting too many cases which could not by any possibility be disposed of in a, day is responsible for the impression in the minds of parties that their oases would not be taken upon the day in which they are posted. The plaintiff might have thought that the same would not be taken up on 21-1-24 to which it was adjourned seeing that on at least three or four previous" occasions the Court adjourned it for want of time. I think, in the circumstances, the Subordinate Judge ought to have granted a few days time to enable the plaintiff to produce his witnesses. I therefore set aside the decree of the Subordinate Judge and direct him to restore the suit to file and dispose of it according to law. The petitioner is partly responsible for the lower Court's order and therefore he is not entitled to the costs of this application.