



RCS No.89/2013
Sangita Vs. Lahu & Ors.

ORDER BELOW EXH.60

1. This is an application filed by the plaintiff herself and thereby sought for adjournment.
2. The case put forth by the plaintiff, in brief, is that she is a resident of Pune and she has to journey here to and fro on Court dates. Further it is stated that the copies of the suit had been lost from her and just on today she has received certified copies of the same. She went on to submit that since she wish to appoint another advocate, she needs a period of one month to do so. Hence, she has requested to adjourn the matter and it be posted after one month.
3. Despite calling say of the defendants, they neither turned to the Court nor filed their say until 12.00 pm. Thus, considering the nature of the application vis-a-vis relief sought for, I have taken up this application for decision at once.
4. Admittedly the suit is brought seeking for partition of Hindu undivided family properties and it has been pending on the file of this Court date back of the year 2013. In the instant suit affidavit in lieu of examination in chief of PW1 is filed on 25.09.2019 and since then it has been pending for further examination in chief of PW1. Since then rgw plaintiff did not appear and proceed with the matter. In the result, the Court was constrained to issue notices to the plaintiff and her learned advocate calling their say on the point in the event they failed to proceed with the matter on next date, the suit would dismiss in default. The said order came to be passed on 23.06.2026. On the strength of said notice, on 10.07.2026 the plaintiff herself appeared and moved an application

seeking adjournment. By observing that the valuable rights of the plaintiffs have been involved in the instant suit vis-a-vis as an utmost last chance, the said application came to be allowed with further warning that in the event the plaintiff failed on next date to take effective steps the matter would straightway be dismissed in default. Still, the instant application is moved. Thus, in these factual aspects, I have taken up this application for decision.

5. Considered the instant application in juxtaposition with the record. It is evident enough from the record that the matter has been lingering way back of the year 2013. The suit is for partition and separate possession. It is a matter of record that on 25.09.2019 the plaintiff has filed her examination in chief affidavit and since then due to her continues absent the matter was stuck at that particular stage. Considering the lackadaisical conduct of the plaintiff in non proceeding with the matter, the Court was prompted to issue notice to the plaintiff and her learned advocate as a last resort. Though on the strength of said notice the plaintiff has put her appearance, still she did nothing except moving an application for adjournment. Considering the fact that her advocate has filed no instruction pursis vis-a-vis valuable rights of the parties have been involved therein, the said application came to be allowed as an utmost last chance.

6. In the above factual aspects, again on today this application is moved by the plaintiff herself. Though the application is moved by the plaintiff still considering the fact that her advocate has withdrawn his authority, it is taken up for decision. Considering the above facts it is observed that despite speaking order passed covering this aspect, the plaintiff is keeping on to move such applications and by hook or crook she is trying her best to procrastinate the instant suit. The Hon'ble Supreme Court and our parent Hon'ble High Court have time and again emphasized to dispose of such oldest matters by giving top priority.

7. Here it is trite to refer the observations made by the Hon'ble Supreme Court while dealing with the identical cases. The Hon'ble Supreme Court has taken strong exception to practice of seeking adjournments as a routine manner. The Hon'ble Supreme Court has termed frequent seeking adjournments as virus and went on to observe that such virus should be eradicated from the roots, to ensure the non contribution of "*Tareekh pe tareekh*" culture which has been at alarming stage. Not only this but also former Chief Justice of India Shri. Dhananjay Chandrachud has once observed that a judge takes files with him at home, study it overnight and come to the Court with full preparation and advocate come and moves an application for adjournment, such practice needs strong deprecation. The said observations are squarely applicable to the case on hand. If this Court has allowed the application it would also amount to contributing in setting bad precedent. Further from the lackadaisical conduct of the plaintiff it appears that they bent upon to procrastinate the instant suit. From the said conduct it further appears that the slew of directions issued in **Yashpal Jain Vs. Sushila Devi 2023 SCC OnLine SC 1377** by the Hon'ble Supreme Court as to speedy trial and the most sacrosanct object of speedy trial resulted into meaningless and trampled as well.

8. Considering the above aspects vis-a-vis the lackadaisical and adamant conduct of the plaintiff with principles of speedy trial, the application appears to be nothing but floccinaucinihilipilification, just because it directly struck to the most sacrosanct object of speedy trial, regard being had to the long drawn pendency of about 15 years. With this, the instant application warrants rejection at once.

9. Here only rejection would not do justice, and therefore while doing so, the protraction caused to the smooth trial and prejudice to the other side needs to be taken care of by imposing hefty costs on the plaintiff. For these reasons, the application stands rejected by imposing

costs of Rs.3,000/-. Since the other side has also not paying any heed in proceeding with the matter, it is observed that they are also a contributing factor in procrastination. Hence, the amount of costs shall be deposited in the Court by today itself. The payment of costs is condition precedent for the claim of the plaintiff. As an utmost last chance the matter is adjourned and posted by 27.07.2026. Parties are hereby directed to proceed with the matter without adjournments, unless circumstances are exceptional and beyond their control. Stand over by 27.07.2026, 11.45 am sharp. In the event the plaintiff is failed to proceed with the matter on the appointed date, the matter would be dismissed in default. Parties to take note. Order accordingly.

Date : 15.07.2026.

Place : Madha, Dist. Solapur.

(Bhalchandra R. Zende)
3rd Jt. Civil Judge (J.D.),
Madha.