

2022 LiveLaw (SC) 209

IN THE SUPREME COURT OF INDIA

M.R. SHAH; B.V. NAGARATHNA, JJ.

Special Leave to Appeal (C) No(s). 2198/2022; 18-02-2022

M. CHINNAMUTHU (DEAD)

VERSUS

KAMALESHAN @ SHANMUGAM (DEAD) THROUGH LRS

Civil Litigation - The judgment-creditor is entitled to enjoy the fruit of the litigation within a reasonable time - In our justice delivery system, the real litigation starts only after the decree is passed and the judgment-creditor has to wait for number of years for enjoying the fruit of the decree and the litigation. If such a delayed tactics is permitted, the litigant would lose the confidence in the justice delivery system. Every litigation has to put to an end at a particular time.

Factual Summary: Eviction order passed in 1989 yet not permitted to be executed by the judgment debtor by initiating the proceedings one after another - This is a clear example of the abuse of the process of law and the Court and not permitting the judgment-creditor to get the benefit under the decree which is passed in his favour in the year 1989 - Special Leave Petitions dismissed with cost which is quantified at Rs.25,000/-

(Arising out of impugned final judgment and order dated 07-08-2020 in CRPNPD No. 4424/2011 passed by the High Court Of Judicature At Madras)

For Petitioner(s) Mr. R. Basant, Sr. Adv. Mr. R. Anand Padmanabhan, Adv. Mr. Shashi Bhushan Kumar, AOR

ORDER

The present proceedings initiated by the judgment-debtor are nothing but an abuse of process of law and the Court. It is very unfortunate that an order which was passed in favour of the respondent judgment-creditor for eviction of the petitioner passed on 28.08.1989 is yet not permitted to be executed by the judgment-debtor by initiating the proceedings one after another. It is very unfortunate that even after a period of 33 years, the judgment-creditor in whose favour the order is passed in the year 1989 is not able to enjoy the fruit of the litigation and the decree passed in his favour. It is rightly said that in our justice delivery system, the real litigation starts only after the decree is passed and the judgment-creditor has to wait for number of years for enjoying the fruit of the decree and the litigation. If such a delayed tactics is permitted, the litigant would lose the confidence in the justice delivery system. Every litigation has to put to an end at a particular time. The judgment-creditor is entitled to

enjoy the fruit of the litigation within a reasonable time. As observed herein above, this is a clear example of the abuse of the process of law and the Court and not permitting the judgment-creditor to get the benefit under the decree which is passed in his favour in the year 1989.

It is also to be noted that even before the original judgment-creditor enjoy the fruit of the decree in his favour, unfortunately he died. During his lifetime, he could not enjoy the fruit of the decree. Even the original respondent has also died during the pendency of the proceedings. The present Special Leave Petitions stand dismissed with cost which is quantified at Rs.25,000/- (Twenty Five Thousand only) to be paid by the petitioner(s) with the Tamil Nadu State Legal Services Authority, Chennai within a period of four weeks from today.

The Executing Court is directed to finally decide and dispose of the execution proceedings within a period of six months from the date of receipt of the present order. All concerned are directed to cooperate with the learned Executing Court to finally decide and dispose of the execution proceedings at the earliest and within the time as stated herein above.

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