



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD) .NO.217 of 2015

WEB COPY

S.Karuppasami

... Petitioner/Petitioner

vs.

Pandiselvi

... Respondent/Respondent

PRAYER: This Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned Judge, Family Court, Madurai to expedite the above case in H.M.O.P.No.340 of 2012 within the time frame as fixed by this Court.

For Petitioner : Mr.B.N.Raja Mohamed

O R D E R

The husband in a matrimonial proceeding has preferred this revision petition seeking for a speedy disposal of the H.M.O.P.No.340 of 2012 filed by him within the time frame as fixed by this Court.

2.The H.M.O.P was filed on the ground of matrimonial cruelty and it was numbered as H.M.O.P.No.340 of 2012 and now, it is on the stage of cross-examination of P.W.1/Petitioner. After the respondent had entered appearance, the case was posted for counselling on 14.12.2012. As there was no consensus arrived at between the parties either for reunion or for divorce and the case was sent back to the Court for trial. The respondent also had filed her counter statement in the main petition. On 12.06.2014, proof affidavit was filed and document was marked on the side of the petitioner and it was posted for cross examination of the respondent. On 03.07.2014, cross examination should have commenced. However, it was adjourned atleast four times and last chance was given for cross examination on 11.12.2014. Even on the said date, the matter was adjourned.

3.The learned counsel for the petitioner cited Section 21-B of the Hindu Marriage Act, wherein it is contemplated that so far as is practicable, the trial of any matrimonial offence has to be continued on a daily basis and conclude the same. As per Sub-clause(2), the matrimonial dispute has to be resolved in six months from the date of service of notice of the petition on the respondent.

4.In this case, though summons were served on the respondent even as early as in 2012, there was no progress in the case. The learned counsel for the petitioner also placed reliance on 2014(5)CTC 528, in which the relevant portion is extracted hereunder:

"A Family Court Judge should remember that the procrastination is the greatest assassin of the lis before it. It not only gives rise to more family problems but also gradually builds unthinkable and Everstine bitterness. It leads to the refrigeration of the hidden feelings, if still left. The delineation of the lis by the Family Judge must reveal the awareness and balance. Dilatory tactics by any of



the parties has to be sternly dealt with, for the Family Court Judge has to be alive to the fact that the lis before him pertains to emotional fragmentation and delay can feed it to grow. We hope and trust that the Family Court Judges shall remain alert to this and decide the matters as expeditiously as possible keeping in view the objects and reasons of the Act and the scheme of various provisions pertaining to grant of maintenance, divorce, custody of child, property disputes etc."

5. In view of the above decision, the respondent cannot be allowed to procrastinate the proceedings. It is also brought to the knowledge of this Court that the Family Court Judge has referred the matter again for Mediation. The learned counsel further submitted that the counselling was already concluded unsuccessfully before the commencement of the trial and there is no improvement in the attitude of the parties. Hence, there is no compulsion to the parties to go for counselling for second time, as no useful purpose would be served. It is prayed that trial may be completed on earlier date.

6. In view of the above said submissions, the family Court, Madurai is directed to dispose of the H.M.O.P.No.340 of 2012, on or before 30.06.2015.

With the above direction, the revision petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To
The District Judge, Family Court,
Madurai.

+1cc to Mr.B.N.Rajamohamed, Advocate, SR.No.6146

C.R.P. (PD_ (MD) .No.217 of 2015
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