

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.11.2016**

CORAM

The Hon'ble Mr.Justice K.K.Sasidharan

**C.R.P.(PD)No.202 of 2016
and
C.M.P.Nos.1039, 1040 and 1399 of 2016**

Mr.D.Swaminathan

...Petitioner

Vs.

Ms.Sowmiya

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Docket Order passed by the learned Judge, Principal Family Court, Chennai, in the Petition for Divorce in O.P.No.3596 of 2011, dated 18.11.2015.

For Petitioner : Mr.R.Manivannan
For Respondent : Mr.D.Balaraman

ORDER

The petitioner filed an Original Petition in O.P.No.3596 of 2011, before the Family Court, Chennai, praying for a Decree of Divorce. The Petition was contested by the respondent by filing counter.

2. The petitioner filed two Applications, in I.A.No.1851 of 2014 and I.A.No.195 of 2015, to receive additional pleadings and documents respectively. The Applications were kept pending by the trial Court. In the meantime, the trial Court passed an order, dated 18.11.2015, to commence the evidence by 02.12.2015. The said order is under challenge on the ground that before taking up the matter on merits, the trial Court is expected to dispose of the Interlocutory Applications.

3. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel for the respondent.

4. The petitioner filed two Interlocutory Applications in O.P.No.3596 of 2011. The petitioner wanted additional pleadings to be filed before the trial Court. The petitioner also wanted the Court to receive certain documents in support of his case pleaded in O.P.No.3596 of 2011. The learned trial Judge was expected to dispose of the Interlocutory Applications before taking up the matter for trial. Since the same was not done, this Civil Revision Petition is filed.

5. I do see considerable force in the arguments putforth by the learned counsel for the petitioner.

6. The learned counsel for the respondent fairly submitted that the respondent has already filed counter affidavits, and as such, there would not be any problem for the trial Court to take up the matter in I.A.No.1851 of 2014 and I.A.No.195 of 2015, before taking up the Original Petition for trial.

7. The learned Judge, Principal Family Court, Chennai, is directed to dispose of the applications in I.A.No.1851 of 2014 and I.A.No.195 of 2015, as expeditiously as possible, and in any case, within a period of four weeks from the date of receipt of a copy of this order.

8. The learned Trial Judge is directed to dispose of the proceedings in O.P.No.3596 of 2011, as expeditiously as possible, and in any case, on or before 31 March, 2017.

9. The Civil Revision Petition is disposed of with the above

direction. No costs. Consequently, connected Miscellaneous Petitions are Closed.

02.11.2016

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Index : Yes/No
Internet ; Yes/No

Note : Issue order copy by 07.11.2016.

To
The Principal Family Court,
Chennai,

K.K.Sasidharan,J.,

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