

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.12.2016

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

CRP PD.No.3866 of 2016

N.Satheesh Kumar

... Petitioner

vs.

D.Sangeetha

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying for a direction to dispose of the HMOP No.687 of 2014 pending on the file of the learned I Additional Family Court, Chennai within a time frame that may be stipulated by this Court.

For Petitioner : Mr.K.Thilagaraj

ORDER

The revision is filed by the petitioner/husband in a matrimonial proceedings seeking a direction to the I Additional Family Court, Chennai to dispose of the HMOP No.687 of 2014 pending on its file, within a time frame.

2. The above petition was filed by the petitioner under section 12(1)(c) of the Hindu Marriage Act, 1955 to annul the marriage

solemnized between the petitioner and the respondent on 02.02.2014.

3. Heard the learned counsel for the petitioner.

4. From a perusal of the notes paper appended to this petition, it is seen that from 12.06.2014, the matter has been referred to Special Counselling on several occasions, till 7.10.2016, and the last date when the matter was posted before the Counsellors was on 21.10.2016. On that date, the matter was adjourned to 02.12.2016. However, no progress has taken place. When the marriage itself is sought to be annulled under Section 12(1)(c) of the Act, the Court should take serious steps to look into the matter and dispose of the same at the earliest and should not allow the matter to be prolonged under the guise of counselling. If any special medical report has to be obtained, the Court has got power to obtain the same by giving appropriate directions. While so, the Family Court has been simply adjourning the matter under the caption 'special counselling' for more than two years, which has driven the petitioner/husband to file this revision, seeking a direction to dispose of the petition at the earliest. At least the Family Court should have directed the respondent/wife to

file her counter to the said petition, to complete the pleadings. Even that has not been done, in this case. From the date of filing, till today, it has been simply adjourned on account of counselling without any progress. This delay by the Court is more agonizing than the agony experienced by the petitioner in a matrimonial life.

5. In such circumstances, the learned I Additional Principal Judge, Family Court, Chennai is directed to complete the trial on a day to day basis and dispose of the HMOP No.687 of 2014 pending on its file on or before 30.04.2017.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

14.12.2016

vj2

Index: Yes/No

Internet:Yes

To

The I Additional Principal Judge, Family Court, Chennai

PUSHPA SATHYANARAYANA.J

vj2

CRP PD.No.3866 of 2016

14.12.2016

<http://www.judis.nic.in>