

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1204 of 2017

Raminder Singh Batra

.. Petitioner

Vs.

Bhakti Shah

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to dispose of H.M.O.P.No.378 of 2014 and M.P.No.698 of 2014 on the file of the learned I Additional Family Court, Chennai, within a stipulated period of time.

For Petitioner : Mr.R.Perumal Raj

For Respondent : Mr.S.Suresh Kumar

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned I Additional Family Court, Chennai, to dispose H.M.O.P.No.378 of 2014 and M.P.No.698 of 2014, within a stipulated period of time.

2. The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 09.11.2006 as per the Hindu Sikh rites and customs. Due to dispute between them, they are living separately. The petitioner filed H.M.O.P.No.378 of 2014 on the file of the I Additional Family Court, Chennai, for divorce on the ground of cruelty against the respondent. The respondent filed M.C.No.8 of 2014 (re-numbered as M.P.No.698 of 2014) on the file of the XVIII Metropolitan Magistrate Court, Saidapet, under Section 12 of the Protection of Women from Domestic Violence Act 2005 (43 of 2005).

3. The petitioner filed Crl.O.P.No.9267 of 2014 challenging the order of M.C.No.8 of 2014. The said Crl.O.P. was disposed of directing the case in M.C.No.8 of 2014 pending on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai, is to be transferred to I Additional Family Court, Chennai and to be tried jointly with H.M.O.P.No.378 of 2014, within nine months from the date of receipt of a copy of the order passed in Crl.O.P.No.9267 of 2014.

4.The respondent filed counter statement and trial commenced. The petitioner let in evidence and closed evidence on behalf of the petitioner. H.M.O.P was posted for evidence on the side of the respondent. The respondent examined two witnesses and the said H.M.O.P. is pending for further evidence on the side of the respondent.

5. According to the petitioner, the respondent is filing number of applications for prolonging the issue. In the circumstance, the petitioner has come out with the present civil revision petition for early disposal of H.M.O.P.No.378 of 2014 along with M.P.No.698 of 2014.

6. Heard both sides.

7. Learned counsel for the respondent submitted that he has no objection for the speedy disposal of H.M.O.P. and submitted that the respondent has filed an application to summon the Sub-Inspector of Police, All Women Police Station, Guindy. In that application, the petitioner filed counter and the same is pending enquiry. In reply, the learned counsel for the petitioner submitted

that he has no objection for allowing the said application filed by the respondent.

8. Having regard to the submissions made by both sides, considering the limited prayer sought for in the civil revision petition, without expressing any opinion with regard to the merits of the matter, I direct the learned I Additional Family Court, Chennai, to dispose of H.M.O.P.No.378 of 2014 and M.P.No.698 of 2014 on merits and in accordance with law, as expeditiously as possible, in any event, not later than four months from the date of receipt of a copy of this order.

9. The Civil Revision Petition is disposed of with the above direction. No costs.

07.06.2017

Index :Yes/No
dm/kj

To

- 1.The I Additional Family Court,
Chennai.
- 2.The XVIII Metropolitan Magistrate
Saidapet, Chennai.

V.M.VELUMANI,J.

kj

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