

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2017

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

CRP (PD) No.1264 of 2017
and CMP.No.5918 of 2017

S.Shyamsundar @ Parthasarathy .. Petitioner

Vs

K.S.Anushree @ Sundaravalli .. Respondents

Prayer:- Civil Revision Petition filed under Section 227 of the Constitution of India, to allow the Civil Revision Petition and fix an early date for the disposal of H.M.O.P.No.2750 of 2015 on the file of III Additional Family Court, Chennai.

For Petitioner : Ms.R.Meenakshi

ORDER

The petitioner-husband filed HMOP.No.2750 of 2015 for divorce against the respondent-wife on the file of III Additional Family Court, Chennai. The respondent-wife filed OP.No.4470 of 2015 against the petitioner for restitution of conjugal rights. Both the petitions were taken up together and was posted for joint trial on 04.06.2016. The petitioner filed a proof affidavit on 04.06.2016 and the documents filed by him were marked on 14.06.2016.

2. The learned III Additional Family Judge, Chennai, posted the case for cross-examination of P.W.1 on 23.6.2016. The respondent took various adjournments and cross-examination of P.W.1 was started only on 14.09.2016 and it continued even on 15.09.2016. Thereafter, it was posted on 21.10.2016 for further cross-examination of P.W1.

3. The contention raised by the petitioner is that the case is pending since from the year 2015 and it has been dragged for more than three years. The trial Court had heard the case on more than 20 hearings and for cross-examination of P.W.1, it was posted for more than 9 months. It is also submitted that the case has been posted to 19.04.2017 for further cross-examination of P.W.1 by the respondent. Hence the petitioner is before this Court in this Civil Revision Petition seeking a direction to the trial Judge for early disposal of HMOP.No.2750 of 2015.

4. It is also admitted by the parties that there is no chance of re-union. Since it appears that there is no possibility of amicable settlement between the parties, the learned Judge can conduct the trial and matter can be decided on merits.

5. This Court, considering the submissions made by the learned counsel for the petitioner, hereby directs the learned trial Judge to dispose of the petition in HMOP.No.2750 of 2015 on the file of III Additional Family Court, Chennai, as expeditiously as possible, in any event not later than 31.07.2017.

6. With the above direction this Civil Revision Petition is allowed.

No costs.

05.04.2017

ds

To:

The III Additional Family Court,
Chennai.

V.M.VELUMANI,J

ds

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