

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

**CRP(PD) No.1726 of 2019 &
CMP.No.11031 of 2019**

T. Vasupradha

.. Petitioner

-vs-

R. Ramachandran

.. Respondent

Prayer: Civil Revision Petition under Article 227 of Constitution of India praying to set aside the fair and decreetal order in I.A.No.6017 of 2018 in H.M.O.P.No.2508 of 2015 dated 04.01.2019 passed by the I Additional Family Judge, Chennai.

For Petitioner : Mr. C. Subramanian

For respondent : Mr.S.N.Subramani

ORDER

The petitioner is the wife.

2. The respondent husband filed a petition for divorce before the I Additional Family Court, Chennai in O.P.No.2508 of 2015 against the petitioner/wife on the ground of cruelty. The petitioner/wife has also filed a petition for Restitution of Conjugal Rights as well as for maintenance.

3. At the instance of the respondent, this Court in CRP.(PD).No.4647 of 2017, by an order dated 18.12.2017 directed expeditious disposal of the cases between the parties. During the pendency of the direction, the petitioner/wife approached this court for transfer of the cases to some other Court. This Court dismissed the petition in Tr.C.M.P.No.540 of 2018 on 11.09.2018 observing that it is only an attempt to protract the proceedings. Thereafter, the petitioner/wife filed a petition in I.A.No.6017 of 2018 in HMOP.No.2508 of 2015 to send the respondent for medical examination in order to scrutinise his mental stability as well as potency. The respondent filed a medical report as to his mental stability as well as his potency conducted by the Doctor.

4. The trial Court, after considering the reports as well as the contentions of both the sides, dismissed the petition. Aggrieved over the same, the petitioner is before this Court.

5. I have heard both sides.

6. Admittedly, the petitioner filed a petition for Restitution of Conjugal Rights. If the allegation of lack of mental stability and potency on the part of his husband is true, she would not asked for restitution of conjugal rights. Conducting medical test by wife will have good grounds for aggravating divorce and not for restitution of

conjugal rights. The stand taken by the petitioner/wife for restitution of Conjugal Rights and the present petition would diagonally oppose to each other and counterproductive to her own case.

7. The Family Court has rightly considered the issue and dismissed the petition seeking to send the respondent/husband to medical examination. When there is a specific direction issued by this Court to dispose of the case expeditiously, the attempts made by the petitioner/wife appears to be abuse of process of law and as observed by this Court in Tr.C.M.P.No.540 of 2018, such acts shall be nipped at the bud. However, learned counsel for the petitioner/wife seeks to have one more chance to negotiate with the respondent/husband through mediation.

8. Accordingly, while dismissing the above Civil Revision Petition, a direction is issued to the Family Court concerned to give one more opportunity to the petitioner/wife to resolve the issue with the respondent/husband through Mediation.

9. If the parties do not resolve the issue within the time limit that may be fixed by the Family Court, as per the directions of this Court by its order dated 18.12.2017 in CRP.No.4647 of 2017, the Family Court shall dispose of the matter as expeditiously as possible

M.GOVINDARAJ, J.

msr

without wasting any further time.

10. In fine, the Civil Revision Petition is dismissed with the above direction. No costs. Consequently, the connected C.M.P.No.11031 of 2019 is closed.

06.06.2019

msr
Index:Yes/No
Internet:Yes/No
speaking order/non speaking order
Note: Issue order copy on 10.6.2019

To

The I Additional Family Judge,
Chennai.



**CRP(PD) No.1726 of 2019 &
CMP.No.11031 of 2019**

WEB COPY