IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P. (PD) No. 3008 of 2019

M. Hemalatha ... Petitioner

-Vs-

B. Balaji ... Respondent

Prayer : Petition filed under Article 227 of the Constitution of India praying for an order of a fair and speedy disposal of the H.M.O.P No. 731 of 2016 pending on the file of Hon'ble II Additional Family Court, Chennai.

For Petitioner : Mrs. J. Sundara Kanchana

For Respondent : Ms. Nandhini Devi

O R D E R

This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking for a direction to the Court below i.e., II Additional Family Court, Chennai to expedite the hearing of H.M.O.P No. 731 of 2016 pending on the file of the said Court and decide the same within a time frame stipulated by this Court.

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2. Heard Mrs. J. Sundara Kanchana, learned counsel appearing for the revision petitioner and Ms. Nandhini Devi, learned counsel appearing for the respondent.

3. Before the trial Court, the petitioner/wife filed the said OP for divorce, where at least three interlocutory applications have been filed, one by the wife and two by the husband. Because of the pendency of these IAs, even though the OP is ripe for trial, it could not be taken up by the trial Court, therefore the learned counsel appearing for both sides made submissions that, those IAs can be clubbed along with the said OP and for the said purpose, the hearing of the OP cannot be retained further.

4. The said submissions made by both sides is hereby recorded. In view of the same, since both of them want earlier hearing and disposal of the OP, this Court is inclined to dispose of this revision petition with the following directions:

(i) That the learned II Additional Family Judge is hereby directed to expedite the hearing of HMOP No. 731 of 2018 on the file of the said Court and decide the same within a

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period of four months from the date of receipt of a copy of this order.

(ii) It is made clear that, the pending IAs can be decided along with the OP, therefore for the purpose of deciding the IAs which are already pending, hearing of the OP need not be deferred or detained further.

5. The parties shall co-operate with the learned Judge to expedite and dispose the said OP within the time stipulated by this Court.

6. With these directions, the Civil Revision Petition is disposed of. No costs.

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Index: Yes / No
Speaking order / Non speaking order
vji / kmm

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To

The II Additional Family Court,
Chennai.

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R. SURESH KUMAR, J.

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HIGH COURT OF JUDICATURE MADRAS
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