

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(PD)No.3052 of 2019

P.Saravanan

... Petitioner

Vs.

S.Lavanya

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India praying to dispose the O.P.No.175 of 2019 expeditiously pending before the IV Additional Family Court, Chennai.

For Petitioner : Mr.P.Saravanan
Party-in-person

ORDER

This revision petition has been filed to expedite the hearing and early disposal of O.P.No.175 of 2019 on the file of the IV Additional Judge, Family Court, Chennai.

सत्यमेव जयते

2.On 16.09.2019, this Court while ordering notice of motion to the respondent also directed the Court below to send a report to the effect as to why the said O.P. is not disposed of and what progress so far been made.

3.In response to the said order passed by this Court, the IV Additional Principal Judge, Family Court, Chennai - 104 has sent a Report dated 26.09.2019, has, inter alia, stated that, when the OP was pending for hearing, on the side of the petitioner/husband, two applications were filed and on the side of the respondent/wife, two applications were filed and the counter in the main OP was filed only in June 2019 and thereafter, it was posted for examination of witnesses. The P.W.1 has to be cross examined by the respondent, which was not taken place today, hence, it was posted to 22.10.2019 for cross examination of P.W.1.

4.Interestingly the said case is posted today only for cross examination of P.W.1, who is none other than the revision petitioner, according to him he has admittedly not appeared before the Court below today citing the reason that, the present revision has been listed today before this Court. After having gone through the Report filed by the learned Judge, I do not find any default on the side of the Court in proceeding the matter, as if at all any delay caused, that would have been triggered and the reasons can be attributed only by the parties

and therefore, they have to be blamed, especially the petitioner has to blame himself for such a delay.

5. Even today when the case is posted for cross examination of P.W.1 knowing the fact well, the P.W.1 i.e., the petitioner was not made available himself for examination, thereby, the matter would get further delayed.

6. If this kind of attitude adopted by the petitioner as well as the respondent, this Court does not find any default in taking up the OP and decide the same on merits at the earliest by the Court and therefore, for such a delay, if at all anything caused, no adversity can be drawn on the Court.

7. In that view of the matter, the Civil Revision Petition is disposed of, with the following direction:

(i) That the Court below is hereby directed to expedite the hearing of the O.P.No.175 of 2019 and decide the same expeditiously, preferably within a period of four months from the date of receipt of a copy of this order.

Enabling the Court to strictly adhere to the time schedule indicated above, the parties shall cooperate and in this regard, both the petitioner and the respondent shall not take any excuse from appearing the Court in every hearing and they should enable the Court to complete the proceedings in time.

(ii) Insofar as the petitioner is concerned, since he has to be present as P.W.1 for cross examination, on the next hearing date, without fail, he should appear and on that date, the respondent shall cross examine P.W.1 and thereafter, the witnesses shall be examined with short intervals/hearing dates and at any rate, an outer limit indicated above shall be strictly adhered to.

9. With these directions, this Civil Revision Petition is disposed of.

No costs.

Sgl

To
The IV Additional Family Court,
Chennai - 600 104.

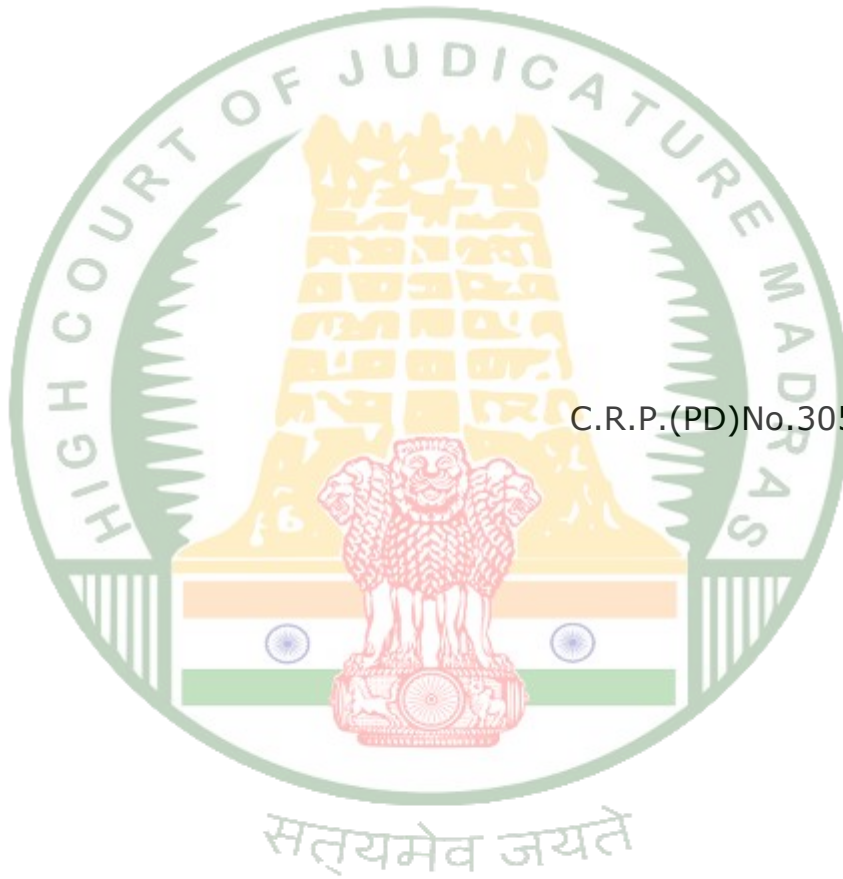
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R.SURESH KUMAR, J.

Sgl



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