

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No.92 of 2021

S. Praveen

... Petitioner

Vs.

R. Lavanya

... Respondent

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Hon'ble Principal Family Court, at Coimbatore to dispose of the H.M.O.P.No.233 of 2015 on its file.

For Petitioner ... Mr.M.Velmurugan

For Respondent ... No Appearance

O R D E R

The Civil Revision Petition has been filed praying for a direction to the Principal Family Court, at Coimbatore to dispose of the H.M.O.P.No.233 of 2015 on its file.

2. The case of the petitioner is that the petitioner herein has filed HMOP No.233 of 2015 before the Principal Judge, Family Court, Coimbatore, seeking for a divorce from the respondent/wife herein on the ground of cruelty attitude and character of the respondent/wife. The petitioner/husband got married to the respondent/wife on 13.11.2013 at C.M. Kalyana Mandapam, Ganapathy, Coimbatore as per Hindu religious rites and customs. Out of the wedlock, a male child was born to them on 09.10.2014. After that, since there was some difference of opinion between both the parties, they are living separately. In view of the mental and physical cruelties of the respondent wife, the petitioner/husband has filed the divorce petition in HMOP No.233 of 2015 on the file of the Principal Family Court, at Coimbatore. In the meanwhile, the respondent/wife has filed I.A.No.819 of 2015 seeking for interim maintenance on the file of the Principal Family Court, at Coimbatore, which was allowed in part by

directing the petitioner herein to pay Rs.5,000/- as interim maintenance to the respondent. Under these circumstances, the petitioner/husband has filed the present Civil Revision petition seeking for a direction of this Court to expedite the proceedings of the HMOP No.233 of 2015 pending on the file of the Principal Judge, Family Court, Coimbatore.

3. The learned counsel for the petitioner submitted that the respondent/wife is not co-operating with the Court proceedings and she is trying to disturb the job where he is working and accusing him to the Management of the petitioner/husband. The respondent/wife is not appearing before the Court below regularly and the matter has been posted periodically without passing final orders. Despite the said HMOP No.233 of 2015 was posted for cross examination of PW-1 on 06.08.2019, still it is pending for a long period, without completing the cross examination of P.W.1, in the absence of the respondent/wife. In the meantime, the I.A. No.819 of 2015 has been allowed partly by directing the petitioner herein to pay Rs.5,000/- as interim maintenance to the respondent. Hence, this Court may direct the Court below to dispose of the case in a speedy manner.

4. On a perusal of the record, it is seen that most of the adjournments are caused by both the petitioner/husband and the respondent wife who were absent and present in the stipulated hearings alternatively and some hearing was attended by the respondent's mother. Further, the matter was adjourned for cross examination of P.W1 on 03.03.2020 and thereafter, the matter was adjourned periodically due to lock down in the pandemic Covid19 situation. When the matter was called on 25.09.2020, both parties were absent, for hearing between 11.15 am and 11.30 am during that time, the counsel for the petitioner was alone present and the case was posted on 13.10.2020 for cross examination of P.W1. On that day, both parties were absent and the case was posted on 21.11.2020. Since lock down continued due to pandemic of Covid19, the matter was adjourned to 28.12.2020.

5. Considering of the above scenario, it is seen that the petitioner's claim only blaming the respondent/wife is not accepted. However, considering the case of the petitioner, since the matter is pending from the year 2015, this Court directs the respondent/wife to cross examine P.W.1 within two hearings by one month, ie. on or before 28.02.2021. No further time will be granted to the respondent/wife. The respondent should co-operate for further proceedings before the Court below. The petitioner is also directed to cross examine the witnesses on the side of the respondent within a period of 6 months ie. on or before 22.08.2021. After Trial, the Court below is hereby directed to dispose of the aforesaid HMOP as expeditiously as possible in accordance with the law.

6. With the above directions, the Civil Revision petition is disposed of. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Lbm

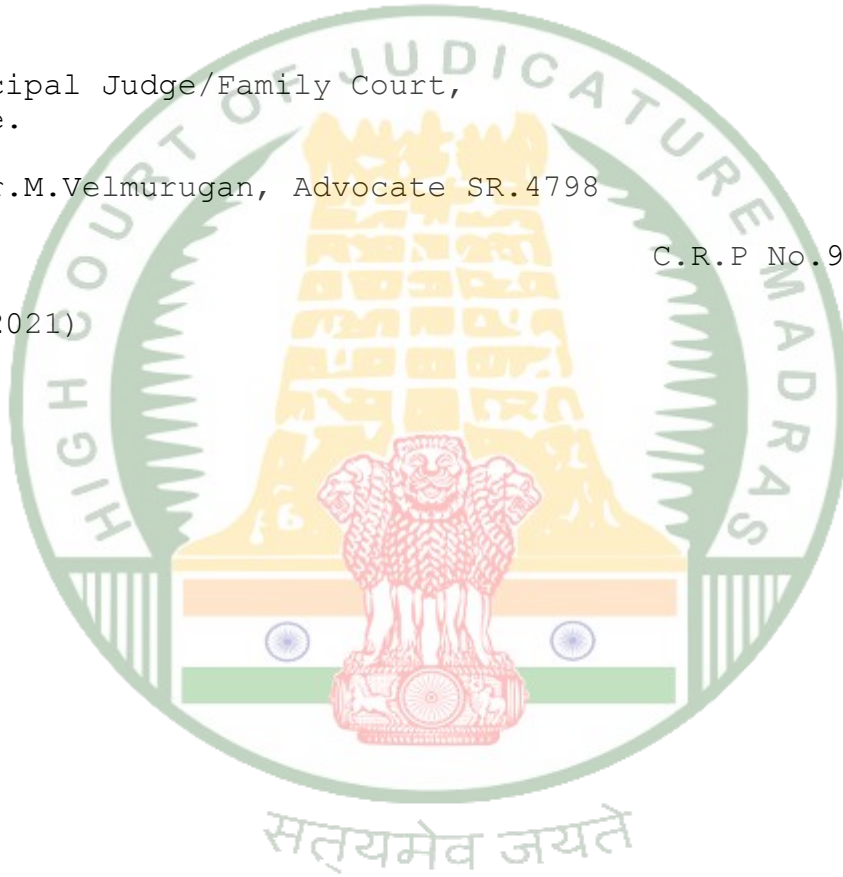
To:

The Principal Judge/Family Court,
Coimbatore.

+1cc to Mr.M.Velmurugan, Advocate SR.4798

C.R.P No.92 of 2021

MP (CO)
CB (25/02/2021)



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