

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.02.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN,

C.R.P. No.101 of 2021

H.Mathanagopal
Son of R.Hariram,
No.997, Periyakadai Veethi,
Opposite to Vasavi Hospital,
Coimbatore 641 001. ...Petitioner/Plaintiff

Vs

M.Pitchaiammal,
Daughter of Raman,
No.366D, TMB Building,
Perur Main Road, Selvapuram,
Coimbatore-641 026. ...Respondent/Defendant

PRAYER: Civil Revision Petition filed under Section 227 of Civil Procedure Code to direct the Additional Family Court, Coimbatore to dispose the original suit in H.M.O.P.No.626 of 2016 within a stipulated time as framed by this Court on merits and in accordance with law.

For Petitioner : Mr.Deepanuday

O R D E R

The prayer sought for in the present petition is to direct the Additional Family Court, Coimbatore to dispose of the original suit in H.M.O.P.No.626 of 2016 within a stipulated time.

2. The case of the petitioner is that the petitioner is the husband and the respondent is the wife. The marriage between the petitioner and the respondent took place on 01.09.2000 at M.P.Mahal, Sikkandhar Savadi, Madurai. Out of their wedding, they were blessed with two female children and one male son, aged about 12, 14 and 16 respectively. Thereafter, there was some misunderstanding between the petitioner and the respondent, due to which, the petitioner/husband has filed a petition in H.M.O.P.No.626 of 2016 before the Additional Family Court, Coimbatore, seeking divorce and the same is pending on its file due to Covid-19, pandemic situation.

3. The learned counsel for the petitioner would submit that since the parties are not ready to contest the case, they are

simply dragging the matter without any proper reason. The learned counsel further submitted that the petitioner has got medical issues and he is not in a position to stand properly for more than 10 minutes. Hence, the learned counsel for the petitioner prays to allow this petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On going through the materials, due to the matrimonial dispute, the petitioner has filed a petition in H.M.O.P.No.626 of 2016 seeking divorce under Section 13(1)(i-a) of the Hindu Marriage Act. The Court below, after considering this case elaborately, referred the matter for mediation, stating that the issue is with regard to matrimonial dispute. Thereafter, the matter was kept pending, awaiting reports from the mediation. After March 2020, this matter has not been taken up due to the Nationwide Lockdown imposed for Covid-19.

6. On considering the case of the parties herein, this Court is of the affirmed view that there should be a solution to the pending dispute between the parties. Hence, this Court directs the learned Additional Family Court Judge, Coimbatore to dispose of the case in H.M.O.P.No.626 of 2016, within a period of one year from the date of receipt on which the order copy is made ready. The parties are directed to co-operate for speedy disposal of the proceedings.

7. Accordingly, this Civil Revision Petition stands disposed of. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sbn

To

1.The Additional Judge,
Family Court,
Coimbatore

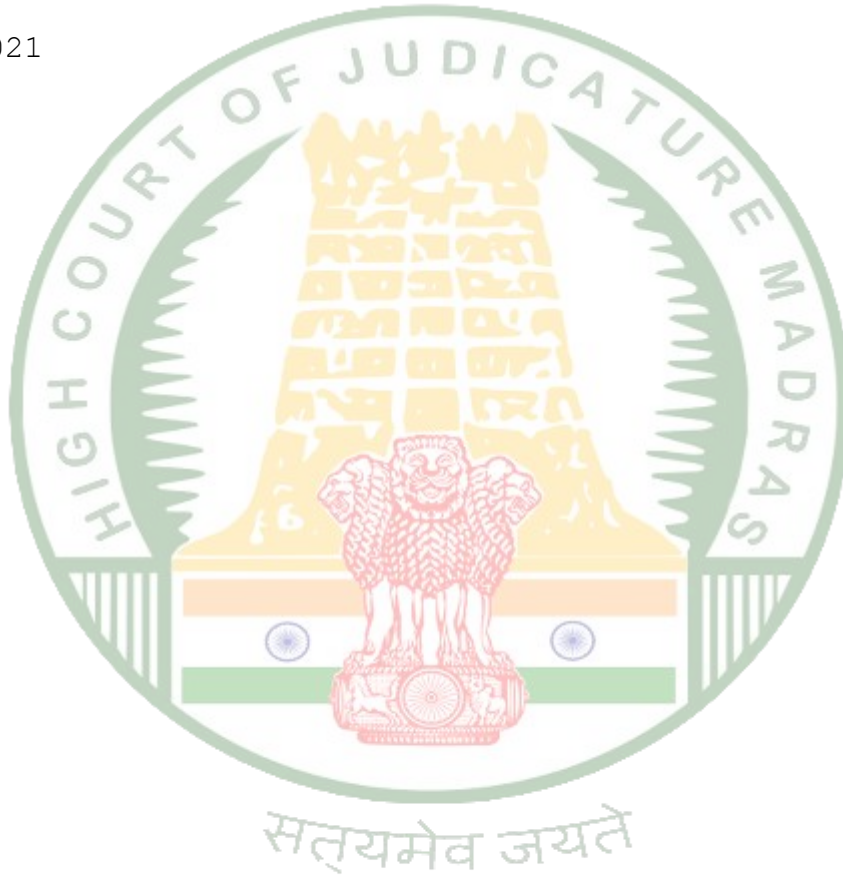
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2.The Section officer
VR section
High Court, Madras

+1 cc to Mr.Deepan Uday Advocate sr5222

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