

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.197 of 2021

V.Vinod Kumar

... Petitioner

Vs.

M.Arunadevi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the lower Court to speedily dispose of the Divorce Petition of O.P.No.3837 of 2013, on the file of Principal Family Court, Chennai.

For Petitioner : Mr.B.Viveka Vanan

For Respondent : Ms.S.Sridevi

ORDER

This Civil Revision Petition has been filed to direct the Principal Family Court, Chennai for speedy disposal of the Divorce Petition in O.P.No.3837 of 2013.

2.The learned counsel for the petitioner would submit that the petitioner has filed a petition for divorce in O.P.No.3837 of 2013 on 10.10.2013 and the same is pending for more than 8 years before the Principal Family Court, Chennai. He would further submit that the cross examination of PW.1 commenced on 11.08.2018, then continued on 03.11.2018 and finally concluded on 05.01.2019. The respondent to stall the divorce proceedings has been filing applications one after another.

3.Ms.S.Sridevi, learned counsel appearing on behalf of the respondent/wife before the Court below would submit that she has got instruction to appear on behalf of the respondent and further submit that the divorce case could not be disposed within the time frame for the reason that the petitioner has not regularly paid the maintenance amount and he has to pay the arrears amount.

4.The learned counsel for the petitioner would submit that the learned Judicial Magistrate, Ambattur, by order, dated

15.03.2018 in D.V.No.7 of 2014 ordered maintenance of Rs.7,000/- per month and the amount of maintenance to be paid from the date of filing of application. The petitioner has been paying the maintenance amount as on date, without any due and no arrear amount is pending. For the month of March 2021, the maintenance amount is to be paid. The learned counsel would further submit that the total amount payable from February 2014 to December 2020 is Rs.5,81,000/- and the amount already paid is Rs.2,19,000/- and the balance payable is Rs.3,62,000/-. For the month of January 2021, the petitioner has paid the maintenance of Rs.7,000/- and arrears amount of Rs.1,62,000/- and for the month of February 2021, the petitioner has paid the maintenance of Rs.7,000/- and arrears amount of Rs.1,00,000/-, totally Rs.2,76,000/-. Now the petitioner is to pay the maintenance amount for the month of March 2021. Therefore, the petitioner has been regularly paying the maintenance amount.

5. On going through the averments and the bank statement filed by the learned counsel for the petitioner, it is seen that the maintenance amount has been regularly paid by the petitioner and he has no due. The learned counsel for the petitioner submits that he has more grievance in this case regarding the custody of the child and other things, which cannot be interfered by this Court. The petitioner is before this Court only for speedy disposal of the divorce petition, which is of the year 2013.

6. Ms. S. Sridevi, learned counsel for the respondent in the Principal Family Court, Chennai was interfering in the proceedings of this Court without filing any vakalath or seeking any permission from this Court, has levelled false allegations against the petitioner regarding maintenance and had argued that the Court shall not allow the petition. For the same, this Court directs Ms. S. Sridevi, learned counsel for the respondent to pay the cost of Rs.500/- to the State Legal Aid Services Authority, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

7. In view of the above, this Court directs the respondent to cooperate with the divorce proceedings in O.P.No.3837 of 2013, pending on the file of the Principal Family Court, Chennai. The learned Principal Family Judge, Chennai is directed to dispose of the divorce proceedings in O.P.No.3837 of 2013 within a period of 9 months from the date of receipt of a copy of this order. The petitioner shall continue the monthly maintenance as ordered by the learned Judicial Magistrate, Ambattur in D.V.No.7 of 2014, dated 15.03.2018.

8.With the above directions, this Civil Revision Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vv2
To

The Principal Judge,
Family Court,
Chennai.

Copy to

The Secretary,
The State Legal Aid Services Authority,
Chennai.

+3ccs to Mr.B.Veveka Vanan, Advocate Sr.8752, 8445, 9113
+1cc to Ms.S.Sridevi, Advocate Sr.9097

(For paying Rs.500/- to the State Legal Aid Services Authority,
Chennai)

C.R.P.No.197 of 2021

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