

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.PD.No.1093 of 2021

Srilakshmi

... Appellant/Petitioner

Vs

Sriram

... Respondent/Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Family Court at Puducherry to dispose the M.O.P.No.449 of 2018 within a period may be fixed by this Court.

For Petitioner

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Mr.Elephant G. Rajendiran

For Respondent

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No appearance

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ORDER

Heard the learned counsel for the petitioner.

2.Perused the report forwarded from the Family Court, Puducherry.

3.This Revision Petition has been filed seeking early disposal of M.O.P.No.449 of 2018 now pending on the file of the Family Court, Puducherry.

4.It is also seen from the report that there is another suit namely, O.S.No.8 of 2018 which is also pending between the two parties, for return of articles and for maintenance. M.O.P.No.449 of 2018 had been filed for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act 1955.

5.From the report it appears that pleadings had been completed and both M.O.P.No.449 of 2018 and O.S.No.8 of 2018 are in the trial stage. Additionally in M.O.P.No.449 of 2018, I.A.No.1 of 2019 has been filed for interim maintenance which is also pending and is at the stage of filing counter.

6.In the above circumstances, it would be appropriate that the petitioner in M.O.P.No.449 of 2018 takes a conscious decision to proceed with the trial of the issues raised in M.O.P.No.449 of 2018 and

invite the learned Judge to pass a comprehensive order with respect to payment of maintenance rather insisting on a direction being given with respect to interim maintenance in I.A.No.1 of 2019.

7.The following directions are therefore issued, which I hope the learned Family Court Judge, Puducherry, would be able to follow to dispose of the matter at the earliest.

8.Both M.O.P.No.449 of 2018 and in O.S.No.8 of 2018 may be taken for recording of evidence, after the matters are posted in the Special List. They may be posted in the Special List in the month of July 2021. After they are posted in the Special List, even if adjournments are granted, the trial should commence on or before 13.08.2021. Once the trial commences in both the matters, it should be conducted on a day to day basis and even if adjournments are sought, only a maximum of three working days can be granted in between any two adjournments and not more than two adjournments can be granted for the very same reason.

9.If the trial in both M.O.P.No.449 of 2018 and O.S.No.8 of 2018 are conducted in the above manner, I am confident that the learned Family Court Judge, Puducherry, would be able to complete the trial within a short period of time.

10.At any rate, I would give a extreme outer limit for disposal of both the cases namely, 30.09.2021. In M.O.P.No.449 of 2018, the I.A.No.1 of 2018 may be either taken up for trial along with the main issues or the petitioner therein may take a conscious decision to advance all issues raised in I.A.No.1 of 2019 also during the course of trial in M.O.P.No.449 of 2018 and not insist on separate orders being passed in I.A.No.1 of 2018.

11.The learned Judge while deciding the issues may pass final orders on the maintenance amount to be paid based on the averments made in the pleadings and on the evidence recorded.

12.With the above observations, the Civil Revision Petition is disposed of. No costs.

सत्यमेव जयते

02.07.2021

Internet:Yes/No

Index:Yes/No

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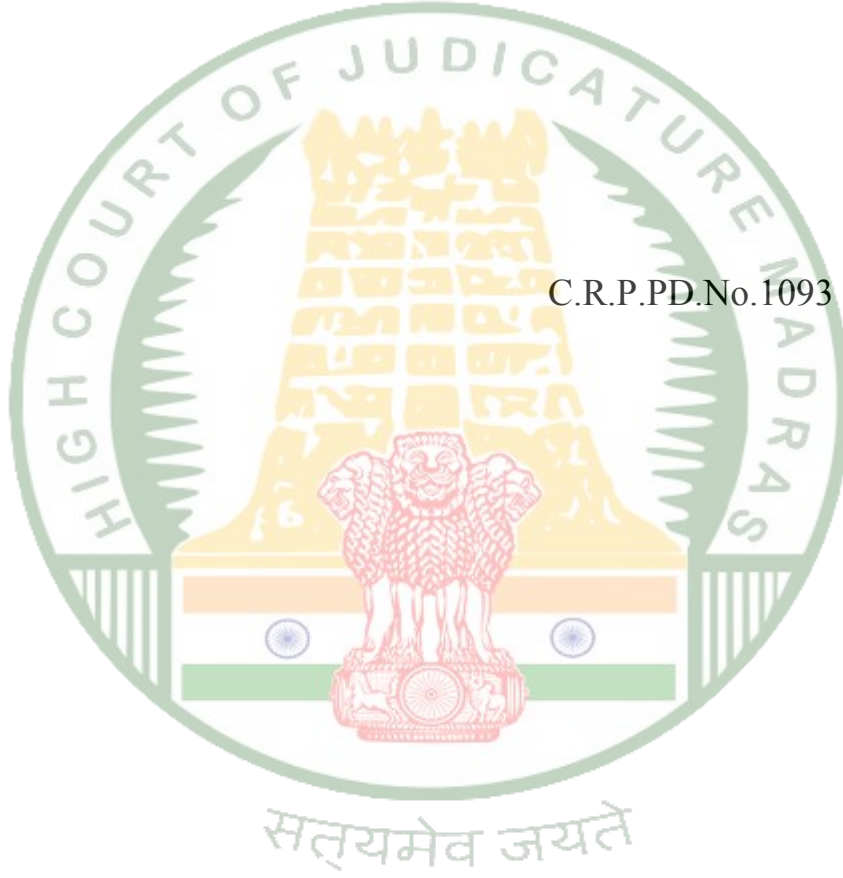
To,

The Family Court, Puducherry.

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C.V.KARTHIKEYAN,J.

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