

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD) No.467 of 2021

R. Barani

... Petitioner

Vs.

Ezhilarasi

... Respondent

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Family Court, Puducherry to dispose of M.O.P.NO.136 of 2017 on merits within the time that may be fixed by this Hon'ble Court.

For Petitioner

... Mr.T.M. Naveen

For Respondent

... No Appearance

ORDER

The Civil Revision Petition has been filed praying to direct the Family Court, Puducherry to dispose of M.O.P.NO.136 of 2017 on merits within the time that may be fixed by this Court.

2. The case of the petitioner is that the petitioner herein being the Doctor by profession, is the husband and the respondent herein is the wife, who got married on 29.01.2010 at Sri Mailam Murugan Temple, Mailam and Marriage reception was held at Hotel GRT Sunway, Pondicherry. Due to misunderstanding and dispute between the husband/petitioner and wife/respondent, the petitioner has filed MOP No.136 of 2017 on the file of the Family Court, Puducherry. As the same is pending from the year 2017 and having adjourned periodically without final disposal, the husband/petitioner herein has filed the present Civil Revision Petition.

3. The learned counsel for the petitioner submitted that the MOP was filed in year 2017 against the wife/respondent seeking for to dissolve

the marriage between the petitioner and the respondent solemnized on 29.01.2016 at Sri Mailam Murugan Temple, Mailam. Despite the notice was ordered on 12.05.2017 to the wife/respondent herein, the same was returned unclaimed since the respondent had refused to receive the notice. In the next hearing, ie. on 17.06.2017, the wife/respondent herein was called absent and was set *exparte* and hence, the matter was posted for recording the evidence on the side of the husband/petitioner herein by 20.06.2017. In the meanwhile, the wife/respondent herein had filed I.A. No.453 of 2017 praying for to set aside the *ex-parte* order and the same was allowed on 28.08.2017. Further, the matter was adjourned on various dates for the reasons of counselling, counter and awaiting for mediation report and so on. Thus, the matter is being adjourned without disposal and pending before the Family Court, Puducherry, for more than 4 years. In view of the delay in disposing of the matter, the petitioner is unable to take any decision about his future. In such circumstances, the Trial Court may be directed to expedite the trial and dispose of the case within the time frame fixed by this Court.

4. On perusal of the record it is seen that the case was initially listed on 12.05.2017 and fresh notice was ordered to the respondent by 17.06.2017. Thereafter, the matter is being posted periodically for various reasons such as for counter, counselling, mediation report and so on. In the meanwhile, the I.As have been filed by the respective parties. It is to be noted from the record that during some hearings the petitioner and the respondent were absent one after one and both were absent in some hearings. As the mediation failed, the case was proceeded with and the same is pending at the stage of the cross examinations of P.W.1.

5. Having taken into consideration of the facts and circumstances of the above case, which is pending for more than 4 years and in order to provide justice to the respective parties, the Court below is directed to take up the further process of trial and complete the trial of MOP No.136 of 2017 which shall be disposed of on or before 31.08.2021. Both parties are directed to co-operate with the Court proceedings without taking unnecessary adjournments.

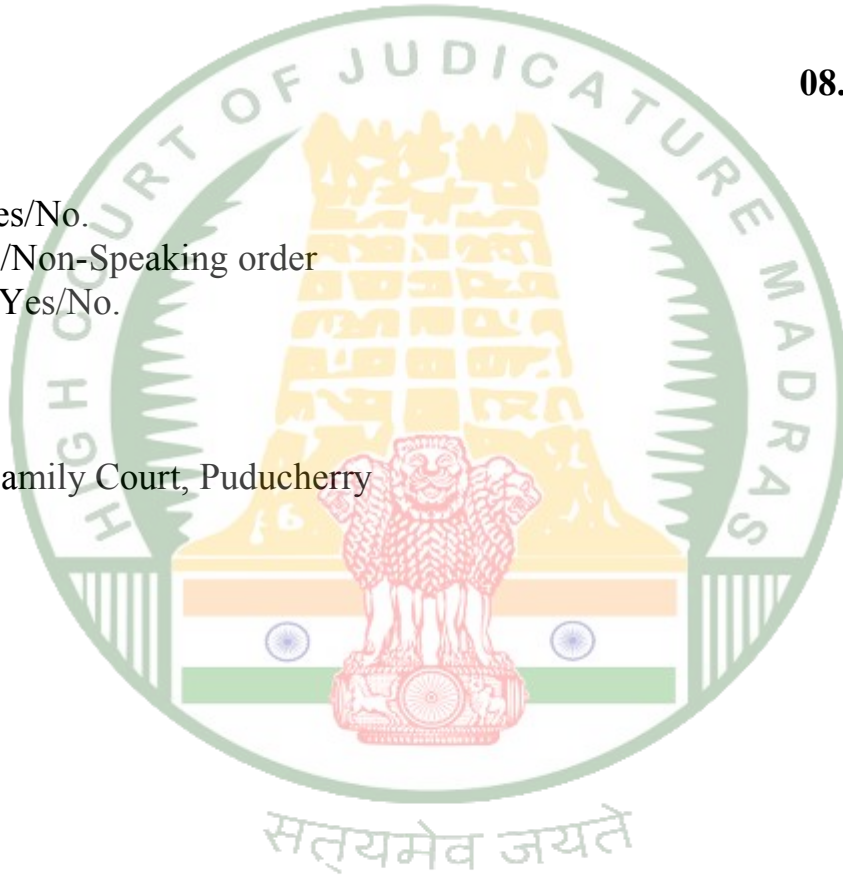
6. In the result, this Civil Revision Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

08.03.2021

lbm

Index: Yes/No.
Speaking/Non-Speaking order
Internet: Yes/No.

To: The Family Court, Puducherry



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V.BHAVANI SUBBAROYAN, J.,

lbm



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