

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 18.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P.(PD)No.567 of 2021

K.Santhan @ Sangameswaran

...Petitioner

Vs

S.Kavitha @ Yasodha

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to issue direction directing the Family Court, Salem to dispose the F.C.O.P.No.583 of 2018 within the time frame.

For Petitioner : Mr.A.Yogaraj

ORDER

सत्यमेव जयते

The limited prayer sought for in this petition is for a direction to the trial Court to dispose of the F.C.O.P.No.583 of 2018, within the stipulated period.

2. The case of the petitioner is that the petitioner is the husband and the respondent is the wife and their marriage was solemnized on 14.02.2011 at Kokila Thirumanamandapam, Gugai, Salem. Due to the matrimonial dispute, the petitioner filed divorce petition on the ground of cruelty way back in the year 2014 and immediately after receiving of notice from the case filed by the petitioner, the respondent failed to turn up and thereby she was set ex-parte on 07.07.2014 and thereafter on 21.01.2015, she filed the petition to set aside the ex-parte order against her in I.A.No.28 of 2015 and after due enquiry, the said I.A. was allowed on 20.03.2015. After few counseling session, it was again sent before the Court due to non-consummation of mediation. The respondent has filed an application for interim maintenance under Section 24 of the Hindu Marriage Act and the same was also considered by the Court below and as per the interim maintenance order, this petitioner was paying the maintenance to the respondent. The respondent was also receiving the interim maintenance and the case has been posted periodically under the caption of evidence. Even though the petitioner is co-operating and ready for enquiry in the H.M.O.P., there is no progress in the case even after lapse of more than four years from the date of filing.

3. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

4. On a perusal of the adjudication orders, it is seen that the suit summons were served. The matter is now kept pending from the year 2018. The matter was referred to counseling and it has been kept pending for more than one year, but the matter was not settled, which clearly shows that the parties were not co-operating the proceedings, but they were present in all the hearings. Thereafter, the entire nation has been facing the difficult situation of lock down and due to the emergent situation, the Court below could not proceed further in this matter.

5. This Court is of the view that there may be large number of cases pending before the Court below and hence, it would not be appropriate to direct the lower Court to dispose of this matter alone with a time frame. Accordingly, the learned Judge, Family Court, Salem is directed to take up and dispose of F.C.O.P.No.583 of 2018 as per the seniority of the cases, in accordance with aw.

V.BHAVANI SUBBAROYAN, J.

sbn

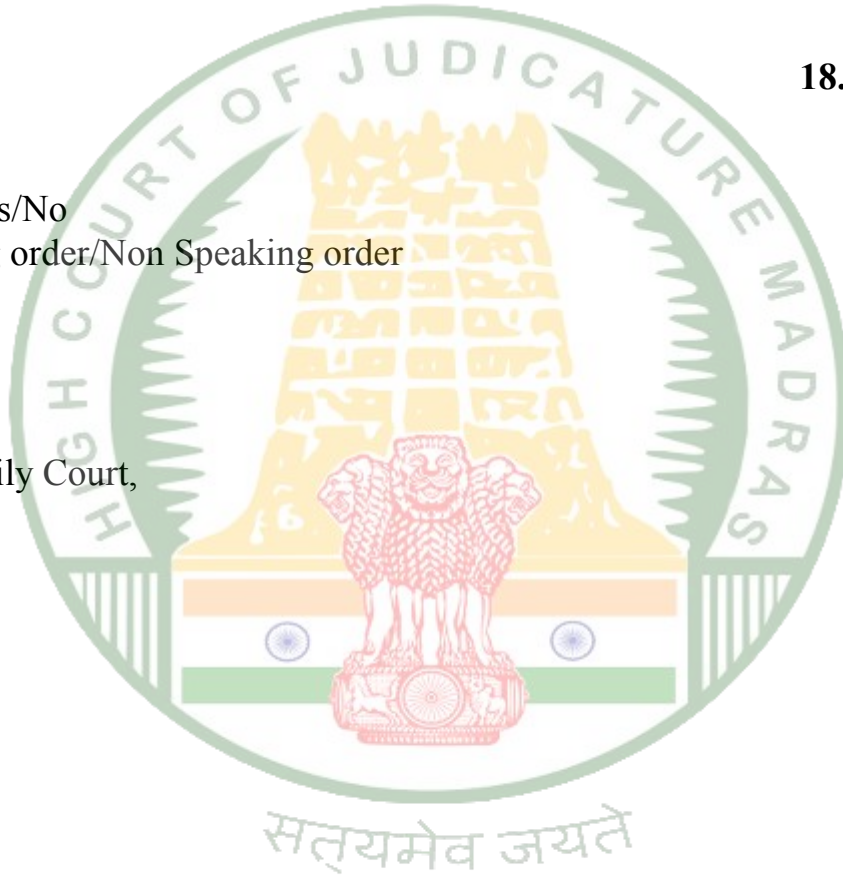
6. In the result, the Civil Revision Petition stands disposed of. No costs.

18.03.2021

Index:Yes/No
Speaking order/Non Speaking order
sbn

To

The Family Court,
Salem.



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