

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.03.2021

CORAM:

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

C.R.P.(PD) No.728 of 2021

R.Vijayakumar

...Petitioner

Vs

R.Parimala

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Additional Family Court at Coimbatore to dispose the divorce petition in H.M.O.P.No.1262 of 2014 within the stipulated time.

For Petitioner : Mr.B.Gopalakrishnan

ORDER

The limited prayer sought for in the present revision petition is to direct the learned Additional Judge, Family Court, Coimbatore, to dispose of H.M.O.P.No.1262 of 2014 within a stipulated time.

2. The petitioner herein had filed the petition in H.M.O.P.No.1262 of 2014 before the learned Additional Judge, Family Court, Coimbatore, to grant decree of divorce by dissolving the marriage of the petitioner with the respondent, that took place on 27.11.2006 at Venuganam Thirumana Mandapam, Thoppampatti Pirivu, Coimbatore.

3. The learned counsel for the submitted that the marriage between the petitioner and the respondent solemnized on 27.11.2006 at Coimbatore. The marriage is an arranged one and there is no talks or demand about any dowry either prior to or at or after the marriage. Since the respondent's cruelty and her mental illness became unbearable, the petitioner sent a Legal notice to the respondent to give consent for filing joint petition for divorce by mutual consent. The learned counsel further submitted that the respondent lodged a false complaint of dowry harassment against the petitioner and his family members before the All Women Police Station, Thudiyalur. Thereafter, the respondent, with an ill intention, was filing petitions continuously for more than 13 years. The divorce petition filed by the petitioner is pending before the Additional Family Court for more than 8 years, which is adjourned on may

occasions for filing counter affidavit of the respondent. Hence, the learned counsel for the petitioner seeks permission of this Court to direct the Additional Family Court at Coimbatore to dispose the divorce petition in H.M.O.P.No.126 of 2014 within the stipulated time.

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

5. On perusal of the adjudication orders, it is seen that the petitioner filed the petition in H.M.O.P.No.1262 of 2014 in the year 2014. The respondent has been filing false cases one after another for the past 13 years and the petitioner and his family members are put to great hardship and difficulties. The divorce petition is pending before the Additional Family Court since 2014 and now the case is posted for filing counter.

6. This Court is of the view that when the matter is taken up by the Court below, one final opportunity may be granted for filing the counter affidavit. The said counter affidavit may be filed by the respondent

within a period of 30 days from the date of receipt of a copy of this order, which would secure the ends of justice.

7. Accordingly, there shall be a direction to the learned Additional Judge, Family Court, Coimbatore to dispose of H.M.O.P.No.1262 of 2014 within a period four months from the date when the counter affidavit is filed by the respondent.

8. The civil revision petition stands disposed of. No costs.

26.03.2021

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

To

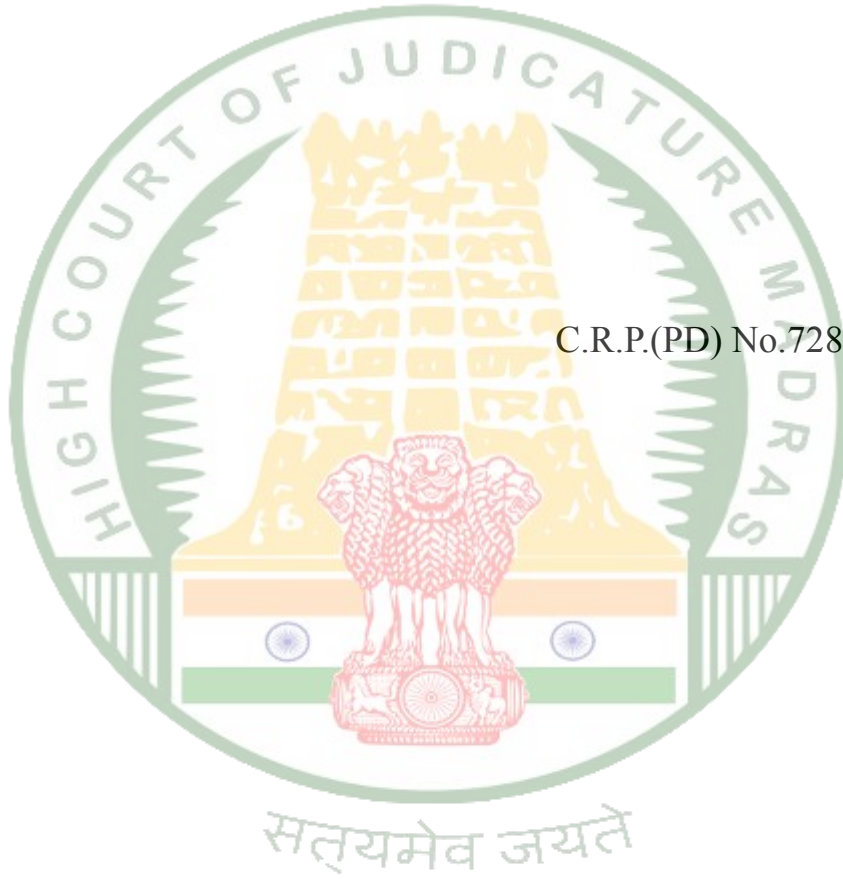
The Additional Judge,
Family Court,
Coimbatore.

WEB COPY

C.R.P.No.728 of 2021

V.BHAVANI SUBBAROYAN, J.

sbn



C.R.P.(PD) No.728 of 2021

WEB COPY

26.03.2021