

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

C.R.P. (PD) No. 1325 of 2021

Mr. Albert Irudayaraj Paulraj

... Petitioner

-VS-

Mrs. Layola Raj Santhabai

... Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to pass appropriate direction directing the I Additional Judge, Family Court, Chennai to expedite the trial and disposal of O.P. No. 4829 of 2018 pending on the file of the I Additional Judge, Family Court, Chennai within the time framed by this Court.

For Petitioner : Ms. M.Rittika
for M/s. Nathan and Associates

ORDER

(The case has been heard through video conference)

The Civil Revision Petition has been filed seeking for a direction to the Learned I Additional Family Court, Chennai to expedite the trial and disposal of O.P. No. 4829 of 2018 pending on its file within a time frame fixed by this Court.

2. The Learned Counsel for the Petitioner would submit that the marriage between the Petitioner and the Respondent was solemnized as per the rites and customs of the Christian Marriage on 14.06.2002 at Madras Christian College Higher Secondary School Chapel, Harrington Road, Chetpet, Chennai-600031. She would further submit that after the marriage, the Petitioner as well as the Respondent moved to United States of America. She would further submit that however, due to misunderstanding, the Respondent came back to India. She would further submit that the Petitioner had already obtained a decree of judgment for divorce in Case No. DR. 18-371409 dated 20.09.2018 at the Court of Common Pleas, Division of Domestic Relations, Cuyahoga County, Ohio. She would further submit that the Respondent has filed a petition under Section 32 of the Indian Divorce Act, 1869, seeking for restitution of conjugal rights and it is pending in O.P. No. 2539 of 2018 on the file of the Family Court, Chennai. She would further submit that the Petitioner has filed a petition under Section 10(1)(i) and 10(1)(x) of the Indian Divorce Act, 1869 for divorce on the ground of cruelty and it is pending in O.P. No. 4829 of 2018 on the file of the Learned I Additional Family Court, Chennai. She would further submit that both the cases are pending before the same Court and the Petitioner, being an American resident, is spending enormous amounts for his travel to India for

attending the hearing of the said cases. She would further submit that however, on several occasions, the Respondent has failed to appear before the Trial Court and thereby, harassed the Petitioner. She would further submit that though the case is of the year 2018, the Petitioner has been made to wait inordinately. She would further submit that unless and until a direction is given to the Learned I Additional Family Court, Chennai to complete the trial expeditiously, the Petitioner would be put to untold sufferings. She would further submit that the Petitioner has been regularly paying the maintenance amount to the Respondent and there is no arrears as on date. She would further submit that due to pandemic situation, the Petitioner is stuck in India and that he is ready and willing to co-operate with the trial and complete the trial in both the cases expeditiously. She would further submit that the Petitioner is prepared to co-operate by appointing his father as power of attorney and also appear before the Trial Court through video conferencing. Hence, she would pray for a direction to the Learned I Additional Family Court, Chennai to expedite the trial and disposal of O.P. No. 4829 of 2018 pending on its file within a time frame fixed by this Court.

3. Heard the Learned Counsel for the Petitioner and perused the materials available on record.

4. Taking into consideration the facts and the submissions made, the Learned I Additional Family Court, Chennai is directed to complete the trial in O.P. No. 4829 of 2018 as expeditiously as possible preferably within a period of nine months from the date of receipt of a copy of this order.

5. With this observation, this Civil Revision Petition is disposed of. No costs.

vjt

15.07.2021

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order

To

1. The I Additional Family Court,
Chennai.

WEB COPY

A.D. JAGADISH CHANDIRA, J.

vjt



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