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CRP(PD)Nos.1039, 802, 804
and 806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP(PD)Nos.1039, 802, 804 and 806 of 2022
and C.M.P.No.5321 of 2022

Mavillapalli Lavanya

... Petitioner in C.R.Ps.

Vs.

Mavillapalli Siva Aditya

... Respondent in C.R.Ps.

PRAYER in C.R.P.No.1039 of 2022: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct hearing and disposal of Tr.O.P.No.1023 of 2022 on the file of the learned Principal Family Judge, Chennai within a period of two weeks from the date of disposal of this Civil Revision Petition.

PRAYER in C.R.P.No.802 of 2022: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct hearing and disposal of Tr.O.P.No.780 of 2022 on the file of the learned Principal Family Judge, Chennai within a period of two weeks from the date of disposal of this Civil Revision Petition.



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PRAYER in C.R.P.No.804 of 2022: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct hearing and disposal of H.M.O.P.No.3529 of 2021 on the file of the III Additional Family Judge, Chennai within a period of ten weeks from the disposal of Tr.O.P.No.780 of 2022 on the file of the learned Principal Family Judge, Chennai.

PRAYER in C.R.P.No.806 of 2022: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct hearing and disposal of G.W.O.P.No.3918 of 2021 on the file of the III Additional Family Judge, Chennai within a period of ten weeks from the date of disposal of Tr.O.P.No.780 of 2022 on the file of the learned Principal Family Judge, Chennai.

For Petitioner in C.R.Ps: Mrs.Sudharshana Sunder
Mr.V.Adhivarahan
Mrs.G.Shanthi Meenakshi

For Respondent : SAMJR S.SHAH
for Shah and Shah

COMMON ORDER

There are four revisions filed herein as two batches. There are two revisions regarding O.Ps. pending before the 3rd Additional Family Court, Chennai in H.M.O.P.No.3529 of 2021 and G.W.O.P.No.3918 of 2021 and two more revisions regarding transfer O.Ps. pending before Principal Family Court,



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Chennai in Tr.O.P.No.780 of 2022 and Tr.O.P.No.1023 of 2022 for their
expeditious disposal.

2.The revision petitioner has taken out C.R.P.No.804 of 2022 and C.R.P.No.806 of 2022 for expeditious disposal of H.M.O.P.No.3529 of 2021 and G.W.O.P.No.3918 of 2021 filed by her before the 3rd Additional Family Court, Chennai. She has taken out C.R.P.No.802 of 2022 and C.R.P.No.1039 of 2022 for expeditious disposal of Tr.O.P.No.780 of 2022 and Tr.O.P.No.1023 of 2022 filed by the respondent / husband on the file of Principal Family Court, Chennai.

3.Heard both sides.

4.So far as C.R.P.No.802 of 2022 and C.R.P.No.1039 of 2022 are concerned, the respondent herein has sought to transfer the two cases pending on the file of the 3rd Additional Family Court, Chennai on the ground of loss of confidence in the Court.



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5.This Court does not want to engage in any sort of exercise in going into the merits of the allegation of the respondent / husband. After all, this Court understands the kind of stress under which the Presiding Officers of the Family Court function in this State and this Court is equally aware that the parties to any matrimonial dispute or other related issues are sensitive and sometime they are also hypersensitive. Therefore, suffice to state that this Court does not want to embarrass the Presiding Officer of the 3rd Additional Family Court, Chennai. Therefore, this Court chooses to transfer H.M.O.P.No.3529 of 2021 and G.W.O.P.No.3918 of 2021 to the file of the 5th Additional Family Court, Chennai. The Tr.O.P.No.780 of 2022 and Tr.O.P.No.1023 of 2022 filed by the respondent / husband on the file of Principal Family Court, Chennai are disposed of accordingly. C.R.P.No.802 of 2022 and C.R.P.No.1039 of 2022 are also disposed of accordingly.

6.C.R.P.No.804 of 2022 and C.R.P.No.806 of 2022 are hereby disposed of with a direction now to the transferee Court (5th Additional Family Court, Chennai) to expedite the disposal of the matter within a period of four (4)



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months. The 3rd Additional Family Court, Chennai is required to transfer the entire papers in H.M.O.P.No.3529 of 2021 and G.W.O.P.No.3918 of 2021 to the file of the 5th Additional Family Court, Chennai within a period of two (2) weeks and the transferor court is also required to notify the date on which both the parties have to be present before the transferee Court (5th Additional Family Court, Chennai). The pleadings are required to be completed by June 2022 and the trial should kick start without undue delay thereafter.

7. So far as the G.W.O.P.No.3918 of 2021 is concerned, this Court has already interacted with the child. The boy is aged 14 years, and has expressed his unwillingness to join his father. This Court is of the view that the boy is able to discern what he speaks, and nothing can be thrust upon a child. However, the V Additional Family Court, Chennai may interact with the child to re-ascertain the willingness of the boy to be in the custody and care of his father, before it passes final order in the concerned G.W.O.P.No.3918 of 2021.

N.SESHASAYEE, J.

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8. These Civil Revision Petitions are disposed of in the manner indicated above at the admission stage itself. Consequently, the connected miscellaneous petition is closed. No costs.

12.04.2022

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Index: Yes / No

Internet: Yes / No

Speaking / Non Speaking order

To

1. The III Additional Family Court
Chennai

2. The Principal Family Court
Chennai

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