



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2022

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP. No.3173 of 2022

Dr.T.Hemalatha

...Petitioner

versus

Dr.G.Anand Sekar

...Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the petition in I.A.No.7 of 2022 in O.P.No.1291 of 2020 filed on 24.08.2022 pending before the VI Additional Family Court, Chennai and to adhere to the time frame as ordered in CRP.No.332 of 2022 dated 15.02.2022.

For Petitioner : Mrs.N.Kavitha Rameshwar

For Respondent : Notice sent, Service awaited

ORDER

This revision petition is filed by the petitioner/wife seeking to strike off the petition filed by the respondent in I.A.No.7 of 2022 seeking dismissal of the petition of divorce filed by the petitioner / wife. The said petition was filed by the respondent by objecting to the territorial jurisdiction of the Family Court, Chennai.

2. When the matter is taken up for hearing, the learned counsel for the



respondent informed the court that I.A.No.7 of 2022 filed by him was already dismissed by the Family Court on 27.09.2022 and the said fact was also admitted by the learned counsel for the petitioner. However, the learned counsel for the petitioner submitted that even though the petition filed by the respondent to dismiss main OP is already dismissed, there is a possibility of respondent filing an appeal challenging that order. Therefore, the CRP has to be considered on merit. She further submitted that in the CRP apart from the prayer to strike off the petition in I.A.No.7 of 2022 filed by the respondent, the petitioner also prays for a direction to the court below to adhere to the time frame fixed by this court for disposal of main OP in CRP.No.332 of 2022 by order dated 15.02.2022.

3. In nutshell, it is submitted by the learned counsel for the petitioner that the second limb of prayer in CRP is very much available for consideration.

4. When the petition filed by the respondent husband in I.A.No.7 of 2022 is already dismissed, the first limb of the prayer in the revision seeking to strike off the said petition has become infructuous. It is not necessary for this court to consider the same on merit on an apprehension that the



respondent may file an appeal. As far as the second limb of the prayer in the revision is concerned, already this court by order dated 15.02.2022 made in CRP.No.332 of 2022, directed the court below to dispose of the main OP within a period of four months from the date of failure of the mediation process. When there is a direction by this court to the court below, it is expected to follow the same and therefore, this court need not reiterate the same again in this revision. Accordingly, no orders are necessary as far as second limb of the prayer in the revision is concerned in view of the earlier order passed by this court in CRP.No.332 of 2022 dated 15.02.2022.

5. With the above observation, this Civil Revision Petition stands disposed of.

07.11.2022
(2/2)

Index : Yes/No
Internet : Yes/No
gv



WEB COPY



S.SOUNTHAR.,J.

Gv

To

The VI Additional Family Court, Chennai

CRP. No.3173 of 2022

07.11.2022
(2/2)