



Civil Revision Petition.Nos.1190 & 719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Civil Revision Petition.Nos.1190 & 719 of 2023
and C.M.P.No.8199 of 2023

R.Kavitha
K.R.Gugan

... Petitioner in C.R.P.No.1190 of 2023
... Petitioner in C.R.P.No.719 of 2023

Vs.

K.R.Gugan
R.Kavitha

... Respondent in C.R.P.No.1190 of 2023
... Respondent in C.R.P.No.719 of 2023

Prayer in C.R.P.No.1190 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 22.12.2023 passed in I.A.No.3 of 2022 in O.P.No.4342 of 2015 & O.P.No.4408 of 2015 & M.C.No.535 of 2017 on the file of the VII Additional Family Court, Chennai.

Prayer in C.R.P.No.719 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India seeking for the speedy disposal of O.P.No.4342 of 2015 on the file of the VII Additional Family Court, Chennai.

For Petitioner in C.R.P.No.1190 of 2023 : M/s.P.V.Preeja

For Petitioner in C.R.P.No.719 of 2023 : Mr.P.Gunaraj



COMMON ORDER

WEB COPY These Civil Revision Petitions are filed seeking to set aside the order dated 22.12.2022 passed in I.A.No.3 of 2022 in O.P.No.4342 of 2015, O.P.No.4408 of 2015 and M.C.No.535 of 2017 on the file of the VII Additional Family Court, Chennai.

2. According to the petitioner, the trial Court can club trial in O.P.Nos.4342 & 4408 of 2015, the common enquiry as they which are filed for restitution of conjugal rights and dissolution of marriage respectively but not M.C.No.535 of 2017. As rightly submitted by the learned counsel for the petitioners, the procedure for conducting enquiry, and the issues that are involved in O.P.Nos.4342 and 4408 of 2015 under the Hindu Marriage Act, 1955 are different and then the procedure and the points to be considered for enquiry in Maintenance Case No.535 of 2017 are different. Therefore, the Maintenance Case No.535 of 2017 should have been enquired separately, instead of clubbing with marriage O.Ps'.

3. During the course of submissions, the learned counsel for the respondent in C.R.P.No.1190 of 2013 has fairly conceded that he has no serious objection if the Maintenance Case No.535 of 2017 is tried separately



and if a direction is given to dispose of the enquiry in O.P.Nos.4342 and 4408 of 2015, as expeditiously as possible.

4. Considering the same, these Civil Revision Petitions are disposed of with a direction to the trial Court to take up M.C.No.535 of 2017 separately by separating it from the joint trial, conduct the enquiry and dispose of the M.C.No.535 of 2017 as expeditiously as possible, not later than three months from the date of receipt of copy of these orders. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

19.04.2023

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To

The VII Additional Family Court,
Chennai.



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Dr. D. NAGARJUN, J.

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