



C.R.P.No.1704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.1704 of 2023

A.Geetha

... Petitioner

Vs.

G.Senthil Kumar

...Respondent

Civil Revision Petition filed under Article 227 of the Code of Civil Procedure to direct the Sub-Court, Alandur, Chennai to dispose the I.A.No.1 of 2023 in O.P.No.1100 of 2021, expeditiously, by fixing a short date in this month itself within the time limit fixed by this Court.

For Petitioner : Mr. P.Ayyamperumal

ORDER

The present Civil Revision Petition filed under Article 227 of the Code of Civil Procedure to direct the Sub-Court, Alandur, Chennai to dispose the I.A.No.1 of 2023 in O.P.No.1100 of 2021, expeditiously, by fixing a short date



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in this month itself within the time limit fixed by this Court.

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2. The brief facts of the case is as follows:-

(i)The petitioner, who is the wife of the respondent has preferred H.M.O.P.No.1100 of 2021 for dissolution of marriage that took place on 22.3.2015 on the ground of cruelty and to allow the custody, care and maintenance of the child. On 15.10.2022, the said O.P. Was listed at Sl.No.103 and generally, the procedure adopted in calling out the case is as per serial number. The counsel and the petitioner came to the court by 10.15 am and after verifying the serial number, proceeded to the nearby Alandur Mahila Court and Additional Principal Munsif Court , located in the same building with an understanding that the sl.no.103 may reach after 12 Noon. Despite the counsel attended the Court Hall around 11.00 AM, he found that OP was called first and disposed of in the ecourt register, as a result of dismissal on the ground of non-representation.

(ii) The learned counsel was waiting in the court hall till the end of calling on that day, viz., 15.10.2022 and about 1.15 p.m, the learned counsel mentioned to the learned Judge the above reason for his non-presence, but it



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was not accepted and was asked to file restoration petition. Further, restoration petition was filed and no action was taken till the second week of January and it was orally informed to the counsel that the I.A, was not processed on the reason that the respondent was not served with the petition, hence this petition.

3. The learned counsel for the petitioner submits that the O.P.No.1100 of 2021 was originally by the petitioner before the Sub Court, Tambaram on 26.08.2019 and it was assigned with O.P.No.690 of 2019 seeking divorce. The same was pending without any progress, thereafter the said OP. Was transferred to the Sub Court, Alandur and it was subsequently assigned with the Petition Number, viz., 1100 of 2021. thereafter, 3 adjournments were given, however no vakalat was filed by the respondent.

4. The learned counsel for the petitioner would submit that the petitioner left the matrimonial house during August 2017 along with her minor daughter on account of domestic violence meted out to her by the respondent herein and his parents and on account of extra-marital relationship of the respondent, the petitioner has been staying with her parents since then,



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thereby pleaded to allow the present petition.

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5. Heard the learned counsel appearing for the petitioner and perused the documents placed on record.

6. In a normal course, this Court does not pass any orders by directing the court below to dispose of the pending applications expeditiously. Considering the fact that it is mistake of the learned counsel, who has not represented the case under the impression that the matter is posted in the cause list as Item No.103 and it will reach only in the afternoon. However, the court below has called the matter in the beginning and dismissed as no representation. Further, taking note of the fact that the restoration petition has also been filed immediately, i.e., within a couple of days, and the same is pending, this Court hereby directs the Sub Court, Alandur to dispose of the I.A.No.1 of 2023 in O.P.No.1100 of 2021, if it is otherwise in order, within a period of two weeks from the date of receipt of copy of this order.

7. In view of the above, the present Civil Revision Petition is disposed of at the admission stage. No costs.



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Index : Yes/No
Internet : Yes/No
Speaking order / non speaking order
Note: Registry is directed to issue
Order copy on 25.07.2023

ssd

To

The Sub-Court, Alandur,

Chennai



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V.BHAVANI SUBBAROYAN, J.,

ssd

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