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CRP.No. 2915 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No. 2915 of 2023

R. Udhayakumar

..Petitioner

Versus

Bharkavi @ Lakshmi Bharkavi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the V Additional Family Court, Chennai, to dispose of the HMOP.No. 1501 of 2021 which has been tried along with OP.No. 621 of 2023 pending on the file of V Additional Family Court, Chennai.

For Petitioner : Mr. M. Hemanth Kumar

ORDER

This Civil Revision Petition has been filed seeking a direction to dispose of the HMOP.No. 1501 of 2021 which has been tried along with OP.No. 621 of 2023 pending on the file of V Additional Family Court, Chennai.

2. Today, when the matter was taken up for hearing, the learned



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counsel for the petitioner submitted that the respondent had misrepresented the petitioner that her first marriage with one Pradeep was dissolved by the competent Court. But the O.P.No. 1332 of 2014 before the II Additional Family Court, Chennai, filed by Pradeep against the respondent herein was dismissed for default on 13.04.2015. The respondent violated the condition stipulated under Section 5(i) of the Hindu Marriage Act and the said violation was concealed to the petitioner while marrying the petitioner on 08.06.2014 by the respondent. Therefore, the marriage between the petitioner and the respondent is null and void. Since the first marriage between the respondent and one Pradeep is subsisting as on today.

3. The learned counsel for the petitioner further submitted that after ascertaining the real facts, the petitioner filed O.P.No. 621 of 2023 under Section 11 and 5(i) of the Hindu Marriage At, 1955, before the V Additional Family Court, Chennai, for a declaration that the marriage is null and void. On the other hand, the respondent also filed H.M.O.P.No. 1501 of 2021 before the V Additional Family Court, Chennai under Section 13(1)(i-a) (i-b) of the Act, 1955. Hence, the respondent delaying



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the proceedings of the H.M.O.P.No. 1501 of 2021 without any progress and further defeating the welfare of the minor son Krish aged about 7 years who was with the petitioner from his childhood but now the respondent had forcefully retained his minor son in her custody along with another minor son Munvesh Harshil who was born during the existing wedlock with one Pradeep. Therefore, the petitioner has come forward with the present Revision for speedy disposal of the above cases.

4. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to pass the following order:-

“The trial Court is directed to complete the joint trial in I.A.No.1 of 2023 along with H.M.O.P.No. 1501 of 2021 filed by the respondent/wife as well as O.P.No. 621 of 2023 filed by the petitioner/husband pending on the file of V Additional Family Court, Chennai, and to dispose of the entire process within a period of one year from the date of receipt of a copy of this order”.



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5. With the above direction, the Civil Revision Petition is disposed
of. No costs.

18.08.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
MSM

To

1. The V Additional Family Court, Chennai.
2. The Section Officer, V.R.Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J

msm

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