



C.R.P.No.3509 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM:

THE HON'BLE MR.JUSTICE S.M. SUBRAMANIAM

C.R.P.No.3509 of 2022

and

C.M.P.No.21658 of 2022

S.Manisha

... Petitioner

Versus

K.Jaiganesh

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, seeking for the direction to the learned Sub-Judge, Poonamallee, to dispose the case in H.M.O.P.No.750 of 2019 pending on the file of learned Subordinate Judge, Poonamallee within a time frame fixed by this Court.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
for Ms.V.Ambika

For Respondent : Mrs.A.Arulmozhi

ORDER

The Civil Revision Petition is filed to dispose the case in H.M.O.P.No.750 of 2019 pending on the file of learned Subordinate



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Judge, Poonamallee filed by the respondent/husband for dissolution of marriage.

2.The marriage between the petitioner and the respondent was solemnized on 09.04.2017 as per the Hindu Rites and Customs. Due to misunderstanding, the petitioner and the respondent are living separately and the respondent/husband instituted H.M.O.P.No.750 of 2019 for dissolution of marriage. The petitioner/wife filed Domestic Violence Case in D.V.C.No.10 of 2021, which is now pending before the learned Judicial Magistrate, Poonamallee. The D.V.C. was instituted seeking various relief including maintenance.

3.During the pendency of the present Civil Revision Petition, the learned Senior Counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondent made a submission that the parties are willing to exchange the gold jewelleries, silver articles and other household articles, which are all lying with them respectively. Accordingly, the parties agreed and exchanged the properties belonging to them including the gold jewelleries, silver articles and household things.



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Thus, regarding the gold jewellerys, silver articles and other things, the issues between the parties are settled partially and whatever left out, the parties are at liberty to adjudicate the same before the Competent Court, in which the other proceedings are pending.

4.Regarding the household articles viz., wooden cots, silver bureau and the other eversilver vessels, the learned counsel appearing for the respondent states that the respondent/husband will send the same to the residence of the petitioner/wife within a period of one week from today (i.e., 30.01.2023), which shall be acknowledged by the petitioner.

5.The learned Senior Counsel for the petitioner submits that the original educational certificates of the petitioner are missing. Therefore, it is for the petitioner to take appropriate steps to secure the original or to get duplicate copies from the Competent Authorities.

6.Regarding the speedy disposal of cases are concerned, this Court is of the considered view that the Court concerned has to regulate its own proceedings on board and the High Court cannot direct the Courts to



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dispose of within a specified period, which will cause discrimination in respect of the other litigants, who are also similarly waiting for the disposal of their cases, which are filed even prior to the case instituted by the petitioner herein. The Court has to consider the speedy disposal of the case in a consistent manner and by not granting unnecessary adjournments on flimsy grounds. In the event of seeking adjournments on invalid grounds, the Court concerned shall reject the same and impose maximum costs and proceed with the case accordingly. Any attempt to prolong or protract the proceedings, at no circumstances, be encouraged by the Courts and the cases are to be decided in a consistent manner by affording reasonable opportunities to the parties concerned. No doubt, the Court concerned may give priority to the cases instituted by the Senior Citizens and where there is an eminent urgency for such speedy disposal of cases. However, High Court issuing direction in a particular case for speedy disposal, undoubtedly, in the opinion of this Court, would cause not only discrimination, but also deprivation of other litigants from getting equal opportunity in the matter of speedy disposal of the case.

6.As far as the relief to aggrieved women under the Special Enactments are concerned, the Special Courts are constituted to deal with



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the cases and thus, such cases are also to be given priority. More specifically, in the event of a maintenance petition, Courts are expected to grant interim maintenance to safeguard the livelihood of the aggrieved persons including the minor children, if any. Maintenance petitions cannot be kept pending for an indefinite period, which would cause prejudice to the interest of the life and liberty of the aggrieved women and children and thus, the Courts are expected to show sensitiveness in such cases and grant immediate relief to protect the interest of atleast the minor children and in this regard, the Constitutional Courts have issued directions on several occasions. Interim maintenance is to be granted considering the status of the family, income of the person concerned and other related criteria. It may take some time for adjudication of maintenance case for final determination of maintenance to be awarded. However, for grant of interim maintenance, such an initiative may not be required and the Courts concerned shall consider grant of interim maintenance in such circumstances without causing undue delay and such interim maintenance, if granted, must be enforced by following the procedures as contemplated either under the Special Enactments Act or under the general Law.



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7.In the present case, the learned Senior Counsel for the petitioner states that the petitioner is now not having independent sources of income and depending on her parents. Thus, she has instituted a proceedings for grant of maintenance, which is pending. The Court concerned shall dispose of the same as expeditiously as possible without granting unnecessary adjournments at the instances of the parties. As far as H.M.O.P.No.750 of 2019 is concerned, the parties shall co-operate for the speedy disposal of the case, which may be done by the Court concerned along with other cases in a consistent manner.

8.Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, the connected civil miscellaneous petition is closed.

30.01.2023

Index: Yes
Internet: Yes
Neutral Citation Case: Yes
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To

1.The Sub-Judge, Poonamallee.



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2.The Judicial Magistrate, Poonamallee.

3.The Section Officer, VR Section, Madras High Court.



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S.M. SUBRAMANIAM, J.,

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