



C.R.P.No.3651 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3651 of 2023

Emmanuel Jaikumar

... Petitioner

-Vs-

Lilly Theresa

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the VI Additional Family Court within a stipulated period as early as possible to dispose of the I.A. No.3 of 2019 in HMOP No.3714 of 2018 to hold video conferencing, pending on the file of the VI Additional Family Court at Madras.

For Petitioner : Mr.C.Kanagarajan

ORDER

The Revision Petitioner is the husband of respondent and he filed a petition in H.M.O.P. No.3714 of 2018 for divorce before the Family court Chennai, in which the respondent also appeared and filed her counter



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objections. Now, the case is ripe for trial and from the year of 2015 the case is pending. However, as the petitioner was working in United Kingdom, he was unable to travel frequently to India and to appear for every hearing dates in person. Hence, the petitioner filed an application to dispense with his personal appearance and permit him to conduct the proceedings through video conference in I.A.No.3 of 2019, but the said application is pending from the year of 2019 without any progress.

2. Since the relief claimed by the Revision Petitioner only seeking a direction for a speedy disposal, the notice to the respondent is dispensed with.

3. On perusal of records as well as e-court status, it would clearly reveals that the trial judge simply adjourning the matter from the year of 2019 onwards. However, the relief claimed by the Revision Petitioner in the said Interlocutory Application can be decided within a matter of week, but the trial judge postponed the same for more than 3 years without any reason, which shows his non-application of judicious mind. Hence, the reasons assigned by the Revision Petitioner is justifiable one. Therefore,



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this Court is inclined to direct the trial judge to dispose the I.A.No.3 of 2019 in H.M.O.P.No.3714 of 2018 on merit within a period of four weeks from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is disposed of. No costs.

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Index : Yes/No
Speaking Order : Yes/No
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To

The VI Additional Principal Judge,
Family Court, Chennai.



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T.V.THAMILSELVI, J.

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