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C.R.P.Nos.4299 and 4301 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-01-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CRP Nos.4299 and 4301 of 2022

G.Yogeetha @ Gajendranath Yogeetha

... Petitioner in both
CRPs

VS.

V.S.Sharvendiran @ Somasundaram Sharvendiran
Represented by his Power Agent
S.Jayanthi, W/o.Somasundaram

... Respondent in both
CRPs

CRP No.4299 of 2022 is filed under Article 227 of the Constitution of India, seeking a time-bound disposal of OP No.113 of 2022 pending on the file of the V Additional Family Court at Chennai.

CRP No.4301 of 2022 is filed under Article 227 of the Constitution of India, seeking a time-bound disposal of OP No.107 of 2022 pending on the file of the V Additional Family Court at Chennai.



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For Petitioner in both CRPs : Ms.B.Poongkhulali

For Respondent in both CRPs : Mr.M.Ganesh Babu

COMMON ORDER

CRP No.4299 of 2022 is filed under Article 227 of the Constitution of India, seeking a time-bound disposal of OP No.113 of 2022 pending on the file of the V Additional Family Court at Chennai.

2. CRP No.4301 of 2022 is filed under Article 227 of the Constitution of India, seeking a time-bound disposal of OP No.107 of 2022 pending on the file of the V Additional Family Court at Chennai.

3. The marriage between the petitioner and the respondent was solemnised on 09.02.2017 at Shiva Sakthi Alayam, No.35/5, Palani Andavar Kovil Street, Vadapalani, Chennai-600 026 as per Hindu Rites and Customs. The marriage was registered as S.No.145 of 2017 by the Sub Registrar of Marriages, Kodambakkam under the Tamil Nadu Registration of Marriages Act, 2009 on 09.02.2017. A female child was born from and out of the wedlock between the petitioner and the respondent and now aged about 3-1/2 years. The minor girl child is now under the custody of the



petitioner-wife and due to misunderstanding, the petitioner and the respondent are living separately.

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4. The respondent-husband is now working at Australia and both the petitioner and the respondent have decided to file a petition for divorce by way of mutual consent. Accordingly, a petition under Section 13-B of the Hindu Marriages Act, 1955 was filed for grant of divorce by mutual consent.

5. The grievances of the petitioner and the respondent are that the V Additional Family Court at Chennai granting adjournment after adjournment without any valid reason, despite the fact that the petitioner and the respondent are ready and willing to give their consent for dissolution of marriage. Near about 14 adjournments were granted by the V Additional Family Court at Chennai and during all hearings, the petitioner-wife was present and the mother of the respondent-husband, who is the Power Agent, also present.

6. When the parties are appearing before the Court on all



adjournments, the V Additional Family Court at Chennai was not inclined to consider the case and thus the petitioner and the respondent have chosen to file the present Civil Revision Petitions before this Court.

7. Whenever mutual consent applications filed for grant of divorce under Section 13-B of the Hindu Marriages Act, 1955 the Family Courts are expected to dispose of the same, within a reasonable period of time. The parties are filing mutual consent applications with a fond hope that they can get their marriage dissolved without undergoing the lengthy procedures contemplated and enabling them to decide about their future life.

8. While-so, the Courts are expected to consider the plight of the case between the husband and the wife and pass orders as expeditiously as possible in mutual consent applications filed under Section 13-B of the Hindu Marriages Act, 1955.

9. Lengthy procedures for grant of consent divorce are unnecessary and several adjournments are not required.



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10. In the present cases, 14 adjournments were granted despite the fact that the parties are ready and willing to cooperate for grant of mutual divorce.

11. Considering the facts and circumstances, this Court, instead of issuing directions to the V Additional Family Court at Chennai to dispose of these matters, inclined to consider the petitions filed under Section 13-B of the Hindu Marriages Act, 1955, since the petitioner and the respondent have expressed their willingness and consent to consider the same by this Court in the present Civil Revision Petitions.

12. Today Mr.V.S.Sharvendiran @ Somasundaram Sharvendiran appeared through Video Conferencing from Australia and has contended that he has no objection in allowing the petition for mutual consent and the Guardianship petition filed by the petitioner-wife. Petitioner wife Smt.G.Yogeetha @ Gajendranath Yogeetha appeared in person before this Court and consented for mutual divorce.



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13. Considering the facts and circumstances and in order to avoid the process of undergoing unnecessary procedures again before the Family Court and considering the fact that both the parties have expressed their consent for mutual divorce and to grant custody of the minor child to the petitioner-wife, this Court is inclined to pass the following orders by invoking the powers under Article 227 of the Constitution of India and in the interest of justice:-

(1) The marriage solemnised between the petitioner and the respondent on 09.02.2017 stands dissolved.

(2) The petitioner Smt.G.Yogeetha @ Gajendranath Yogeetha is appointed as the sole Guardian of the minor girl child Ms.Yashvi Sharvendiran born on 17.06.2019. Consequently, the petitioner-wife is entitled for the custody of the minor girl child.

(3) In view of the relief granted in these Civil Revision Petitions, the adjudication in the above Original Petitions, namely, OP Nos.113 and 107 of 2022 pending on the file of the V Additional Family Court at Chennai became unnecessary and consequently HMOP No.107 of 2022 and GWOP No.113 of 2022 are struck off.



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14. Accordingly, both the present Civil Revision Petitions stand allowed. However, there shall be no order as to costs.

12-01-2023

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To

The V Additional Judge,
V Additional Family Court,
Chennai.



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S.M.SUBRAMANIAM, J.

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