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C.R.P.Nos.391 & 394of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition Nos.391 & 394 of 2024

Seyadu Ibrahim

Vs

...

Petitioner

1. Rubina Samsudeen

2. K.M.Samsudeen

...

Respondents

Prayer in both CRPs: Civil Revision Petition has been filed under Article 227 of the Constitution of India for speedy disposal of O.S.No.33 of 2021 & I.A.No.1 of 2019 in O.S.No.33 of 2021 on the file of the Family Court, Coimbatore within a stipulated time period .

For Petitioner : Mr J. Prithivi
in both CRPs

COMMON ORDER

Both the civil revision petitions have been filed to direct the learned Judge, Family Court, Coimbatore, to dispose the O.S.No.33 of 2021 & I.A.No.1 of 2019 in O.S.No.33 of 2021 in a time bound manner.

2. The learned counsel for the revision petitioner/plaintiff submitted that



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petitioner is the husband and the first respondent is the wife and their marriage took place on 25.09.2011 as per Muslim custom and right in Vignesh Mahal at Coimbatore. The first respondent appears to have psychological problems and mental illness and ever since the date of marriage she refused to consummate the marriage. In August 2019, the first respondent cunningly transferred Rs.29,30,000/- from the petitioner's account to her account by using mobile banking and thereafter, in the month of October 2019 she evicted the petitioner forcibly from the residence at Bangalore and also changed the lock and refused to give access to the house at Bangalore. Hence, the petitioner filed a suit in O.S.No.33 of 2021, before the Family Court, Coimbatore to declare the marriage dated 25.09.2011 as null and void. Along with the said suit, the petitioner filed I.A.No.1 of 2019 to appoint the 2nd respondent as guardian for the first respondent as she is unsound mind. Though the suit was filed in the year 2019, it was numbered in the year 2021 and the same is pending for a long time. Hence, the petitioner by way of the present civil revision petition sought direction of this court to the Trial Judge to dispose the case within a stipulated time.

3.I have considered the matter in the light of the submission made by the



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learned counsel appearing for the petitioner and perused the material available on record.

4. On verification, it is noticed that totally, there are 1945 cases are pending before the Family Court, Coimbatore. With regard to the disposal of pending cases in the Court, the ***Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra*** held that “since every High Court and every Court in the country has a huge pendency, the constitutional court should avoid temptation of fixing a time-bound schedule for disposal of any case before any court unless the situation is extra ordinary.”

5.Considering the pendency of the case before the trial Court and the decision of the Hon'ble Supreme Court ***in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra***, no time bound order can be passed for disposal of the case. However, considering the nature of the case, this Court directs the learned Judge, Family Court, Coimbatore to dispose the I.A.No.1 of 2019 in O.S.No.33 of 2021 within a period of three months from the date of receipt of a copy of this order



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and the learned Judge is also directed to dispose the suit in O.S.No.33 of 2021 as early as possible.

6.With the above directions, both the Civil Revision Petitions are allowed. No costs.

04.03.2024

Index: yes/no
Internet:yes/no
mrp

To

1. The Family Court,
Coimbatore.



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V. SIVAGNANAM, J.

mrp

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