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C.R.P.No.1257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1257 of 2024

M.Nandhini

... Petitioner

Vs.

1.E.Yuvaraj

2.E.Suganthi

3.E.Yogalakshmi

4.Sundar

5.Mohan

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying for a direction for the speedy disposal of the complaint filed in the D.V.C.No.33 of 2022 on the file of the Additional Mahila Court at Alandur within the time limit that may be fixed by this Court.

For Petitioner : Mr.V.Saranraj
for M/s.Eswar, Kumar and Rao



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ORDER

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This Civil Revision Petition has been filed seeking for a direction for the speedy disposal of the complaint filed in the D.V.C.No.33 of 2022 on the file of the Additional Mahila Court at Alandur within the time limit as fixed by this Court.

2.The petitioner as complainant filed a Domestic Violence Complaint in D.V.C.No.33 of 2022 against the respondents, who are estranged husband and in-laws. The respondents appeared one after another before the trial, they were represented by Advocate. After several adjournments, on 09.02.2023, the respondents 1 to 5 appeared, received copies, took time for filing counter and assets and liabilities statements, the trial Court recorded no further adjournments would be granted and the case was adjourned to 02.03.2023. On 02.03.2023, the respondents were set *ex-parte*. Thereafter, the case was posted for *ex-parte* evidence on 10.04.2023. On 10.04.2023, petitioner examined as P.W.1, marked Exs.P1 to P5. The



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Petitioner's chief examination continued on 24.05.2023, Exs.P6 to P10 marked and evidence on the petitioner side closed. The respondents failed to cross examine petitioner/PW1 and the case was posted for enquiry to 12.06.2023. Thereafter, it was adjourned to 26.06.2023, 07.07.2023 and 24.07.2023. On 24.07.2023, a petition filed to set aside the *ex-parte* order, and the same allowed on 20.09.2023 directing the respondents to cross examine P.W.1 by 18.10.2023. On 18.10.2023, the petitioner was present, no cross examination by the respondents and thereafter it was adjourned to 15.11.2023. Thereafter, on 11.01.2024, it is recorded as last chance, no further time will be given for cross examination. Despite the same, the case got further adjourned to 07.02.2024, 21.02.2024, 06.03.2024 and 03.04.2024, finally it is posted to 11.06.2024 and the respondents are yet to cross examine the petitioner.

3.The learned counsel for petitioner submitted the petitioner a lady is appearing before the trial Court regularly, ready for cross examination but



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the respondents are seeking time dragging on the proceedings causing harassment to the petitioner. The plight of the petitioner not considered by the trial Court. He further submitted that as per Section 12 of the Protection of Women from Domestic Violence Act, 2005, the enquiry in Domestic Violence Complaint to be completed preferably within a period of 60 days. But for the past three years the petitioner is suffering without any relief and the trial Court, periodically adjourning the case at the instance of the respondents.

4.It is seen from the E-Court adjudication, the proceedings recorded shows the petitioner had examined herself as PW1, chief examination recorded on 10.04.2023 and 24.05.2023. The respondents not cross examined the petitioner. It is more than a year the case is pending for cross examination of PW1. Despite several opportunities given, the respondents failed to utilise the opportunity. The trial Court simply granting adjournments on the request of the respondent is not proper. The trial Court



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ought to have taken coercive steps, including imposing of cost. Since it is only a limited prayer seeking a direction to complete the trial in the Domestic Violence Case within the stipulated period following Section 12 of the Act, and prayer is only to the trial Court to complete the trial within stipulated time, this Court dispenses notice to the respondents.

5.The learned counsel for the petitioner submitted that the respondents initially appeared and later they were set *ex-parte*. The *ex-parte* order was set aside and thereafter too, the respondents failed to cross examine the petitioner. This Court finds that the petitioner has been unnecessarily harassed and the trial is protracted, adjournment are granted without any justification. In view of the same, this Court directs the trial Court (Additional Mahila Court, Alandur) to ensure cross examination is completed within two weeks after 11.06.2024. No adjournment to be given for a longer period. In any event to complete the trial within a period of three months from the date of receipt of a copy of this order.



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M.NIRMAL KUMAR, J.

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6.With the above directions, this Civil Revision Petition is disposed
of.

06.06.2024

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 10.06.2024

To

The Additional Mahila Court,
Alandur.

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