



C.R.P.(PD).No.1545 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.(PD).No.1545 of 2024

1. R.Vidhyarani
2. R.Akshaya
3. Minor R.Shivani

.. Petitioners

Versus

S.Raja

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Hon'ble II Additional District Court, Tiruppur to dispose of the case in Crl.A.No.92 of 2018 within the time frame as fixed by this Court.

For Petitioners : Mr.S.Sithirai Anandam

For Respondent : Mr.R.Baskar

ORDER

The petitioners, who are the respondents in Crl.A.No.92 of 2018 and the petitioners in D.V.A.No.6 of 2016, have filed this petition seeking for earlier disposal of the appeal within a time frame.



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2. The learned Counsel for the petitioners submitted that the petitioners had filed a domestic complaint as early as in the year 2016 in D.V.A.No.6 of 2016. The Trial Court, after full-fledged trial, by a detailed judgment, dated 03.03.2018, had found the respondents therein guilty and passed restrictive orders against the respondents therein and granted shared household, payment of damages, costs and also return of certain articles. Aggrieved by the same, the first respondent therein had filed an appeal in Crl.A.No.92 of 2018 which is pending before the II Additional District Court, Tiruppur for the past four years. He further submitted that in the appeal, the first respondent had also filed C.M.P.No.47 of 2019 seeking for stay. In the appeal, no stay granted. Despite the same, the respondent husband has not complied with the orders of the Trial Court in full, except paying the monthly maintenance amount.

3. He further submitted that the case is periodically adjourned and now, the case is posted on 26.07.2024. The petitioners herein are ready to advance their arguments on any give date and seek direction to the Appellate Court to dispose of the appeal within a stipulated time.



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4. The learned Counsel for the respondent herein strongly objected the petitioners' submission referring to the e-Court proceedings produced by the petitioners. He submitted that from the e-Court's proceedings, it is seen that the petitioners herein had advanced their arguments even five hearings before 08.03.2024 and on 16.02.2024, it has been recorded that memo filed on the side of the respondent herein showing that Rs.15,000/-has been paid through Demand Draft. Calculation memo has also been filed and further, on completion of oral arguments, written arguments have been filed. The case was adjourned for arguments on the side of the petitioners herein and the case has been adjourned to 08.03.2024. Thereafter, after some more adjournments, the case is now posted on 26.07.2024. The case could not reach finality due to the petitioners' attitude in not co-operating and advancing their arguments and on the other hand, filing this petition as though the respondent is at fault.

5. Considering the submissions on either side and without going into allegations and counter-allegations made by the petitioners and the respondent, from the e-Court's proceedings, it is seen that now, the arguments of the respondent/appellant have been completed and also filed



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their written arguments. It is for the petitioners/respondents to advance their arguments and the case is posted on 26.07.2024. The learned Counsel for the petitioners undertakes to advance their arguments on 26.07.2024.

6. In view of the same, this Court directs the II Additional District Court, Tiruppur to hear the arguments of the petitioners/respondents in CrI.A.No.92 of 2018, conclude the proceedings and dispose of the same within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs.

15.07.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

Note :- Issue order copy on 23.07.2024.

To

The II Additional District Judge,



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M.NIRMAL KUMAR, J.

grs

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