



C.R.P.No.1544 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1544 of 2024

Knox M Noel

... Petitioner

Vs.

Pearlin Victor R

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction to the V Additional Family Court, Chennai to dispose the O.P.No.4256 of 2018 within a time stipulated by this Court.

For Petitioner : Mr.B.Radhika

For Respondent : Mr.T.C.S.Raja Chockalingam

ORDER

The petitioner/estranged husband of the respondent filed this civil revision petition seeking speedy disposal of the divorce proceedings in O.P.No.4256 of 2018 pending on the file of the V Additional Family Court, Chennai.

2.The learned counsel for the petitioner submitted that the divorce



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petition in O.P.No.4256 of 2018 filed by the petitioner on the ground of cruelty and it is pending for more than five years at the stage of enquiry.

The respondent filed counter on 26.02.2019 denying allegations and prayed for divorce. In the meanwhile, the respondent filed interim application in I.A.No.1 of 2020 in O.P.No.4256 of 2018 seeking return of articles which were presented during marriage and also filed I.A.No.2 of 2020 in O.P.No.4256 of 2018 seeking permanent alimony. The petitioner filed I.A.No.4 of 2021 seeking return of jewels from the respondent. It is further submitted that the respondent by filing one petition or other kept the proceedings in O.P.No.4256 of 2018 pending without much progress. Added to it, the respondent filed maintenance case in M.C.No.481 of 2018 and also filed M.P.No.519 of 2019 in M.C.No.481 of 2018 seeking interim maintenance. The Family Court, Chennai, by order, dated 21.03.2023 directed the petitioner to pay interim maintenance of Rs.58,000/- to the respondent. The petitioner sofar paid around Rs.34,00,000/- interim maintenance to the respondent. Even this month, he paid Rs.5,50,000/- and cleared all dues. Now the petitioner has to pay balance amount of Rs.48,000/- for this month which he would remit soon. He further



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submitted that the respondent though filed M.C.No.481 of 2019 before the same Court, the interest shown in the maintenance case not shown in the divorce proceedings. The petitioner is employed in Multi National Company in a senior position. Due to the above case, the petitioner is unable to concentrate on his work and further he has to take leave often to attend the Family Court which is affecting his job. Today, the case is posted for filing proof affidavit and marking of documents before the Family Court. Hence, he field this petition for speedy disposal.

3.The learned counsel for the respondent submitted that the petitioner's submissions seems to be on words not in action. Initially the petitioner denied the respondent in paying interim maintenance, thereafter the respondent approached this Court and filed in Crl.O.P.No.5450 of 2023 seeking direction directing the Family Court to dispose of the interim application in M.P.No.529 of 2019 in M.C.No.481 of 2018 within a stipulated period. Only thereafter, the interim maintenance order passed on 21.03.2023. He fairly submitted that arrears in maintenance amount paid by the petitioner. As on date, the petitioner has to pay Rs.48,000/- for this



month. He further submitted that the respondent is not a reason for any delay in progress of the case in O.P.No.4256 of 2018. It is the petitioner who not cooperated with the trial. The petitioner even for return of articles which was presented during the marriage, made objection, hence, I.A.No.1 of 2020 in O.P.No.4256 of 2018 is pending. Infact the respondent is willing for permanent alimony and to give quites to the issue with the petitioner, hence, she filed I.A.No.2 of 2020 in O.P.No.4256 of 2018, but the petitioner is not coming forward. On the other hand, the petitioner filed counter affidavit in both the interim applications. For that reason, the interim applications are pending and the trial could not be progressed in the main case. Today, the respondent appeared before this Court in person. On instructions, the learned counsel for the respondent submitted that she will not delay the progress of the cases in O.P.No.4256 of 2018 and the maintenance case in M.C.No.481 of 2018.

4.In reply, the learned counsel for the petitioner submitted both O.P.No.4256 of 2018 and maintenance case in M.C.No.481 of 2018 to be completed within a stipulated period and the petitioner would also cooperate



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for the same.

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5.In view of the above undertaking given on both sides and considering that the petitioner and respondent are ready to proceed with the case without delay, this Court directs the learned V Additional Family Judge, Chennai to dispose of O.P.No.4256 of 2018 and connected interim applications, within a period of three months from the date of receipt of a copy of this order.

6.In the result, this civil revision petition stands disposed of. No costs.

25.06.2024

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index : Yes/No

Internet : Yes

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To

The V Additional Family Judge,
Chennai.

Note: Issue Order Copy on 28.06.2024.



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M.NIRMAL KUMAR, J.

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