



C.R.P.No.2048 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2048 of 2024

Arti Agarwal

... Petitioner

Vs.

Ritesh Kumar Agarwal

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the I Additional Family Court, Chennai to dispose of O.P.No.210 of 2022 within a time frame to be fixed by this Court.

For Petitioner : Mr.T.K.S.Gandhi

For Respondent : No appearance



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ORDER

This civil revision petition is filed by the petitioner to direct the I Additional Family Court, Chennai to dispose of O.P.No.210 of 2022 within a time frame to be fixed by this Court.

2.The contention of the learned counsel for the petitioner is that the respondent is in the habit of delaying the progress of the case and proceedings by resorting to all means. Earlier, the respondent filed a petition in Transfer Petition(Civil) No.2029/2022 before the Apex Court seeking transfer of O.P.No.210 of 2022 from the file of the Family Court, Chennai to State of Telangana for the reason that he is residing there, finding no merits the Apex Court dismissed the same. The marriage between the petitioner and the respondent was held on 25.11.1997, out of their wedlock they have two children, Viraj Agarwal born on 17.10.2000 and daughter Neysa Agarwal born on 10.09.2005. The petitioner was forced out of the matrimonial home in the year 2019 and from then on, she was living along with her children with the support of her parents. The respondent is not cooperative and adapting all possible measures to protract the case. He



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further referred to e-court adjudication and submitted that the case was posted for evidence on 30.08.2023, thereafter the respondent attempted to file one or other miscellaneous petition and finally, the petitioner's evidence completed and now the case is posted for respondent's evidence, but the respondent had not appeared before the Court for his evidence. He further submitted that the petitioner's parents are residing at Hyderabad, hence she is staying there and for the purpose of attending the Court she has to travel from Hyderabad to Chennai and the petitioner is regular in attending the Family Court. But due to the absence of the respondent, the case is simply adjourned without any progress. In view of the respondent's conduct, the case is kept pending and hence, appropriate directions to be issued.

3.Despite service of notice and name printed in the cause list, no representation for the respondent either in person or by any counsel.

4.Considering the submissions made and on perusal of the materials filed along with the petition, it is seen that the respondent even at the initial



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stage filed a transfer application and the Apex Court by order dated 06.04.2023 dismissed the same. It is further seen that by citing this transfer application, several adjournments taken. In this case, the respondent appeared before the Family Court on 16.07.2022, it was referred to counselling and thereafter, there have been filing of one or other interim applications, finally on 30.08.2023 the petitioner examined herself as PW1 and marked Ex.P1 to Ex.P17, on the same day she was not cross examined by the respondent and thereafter, for the absence of the respondent, he was set exparte and the evidence of PW1 was closed on 17.10.2023. Thereafter, the respondent filed a petition seeking to reopen and recall PW1 for cross examination, the petitioner gave no objection and hence, on 10.01.2024 the petitioner was cross examined. ON 05.04.2024, PW1 was further cross examined, on 11.06.2024 cross examination of PW1 completed and now the case is posted for defence evidence. The apprehension of the petitioner cannot be said to be misconceived finding the trajectory of the case. In view of the above, this Court directs the learned I Additional Judge, Family Court, Chennai to complete the proceedings and dispose of O.P.No.210 of 2022 within a period of three months from the date of receipt of a copy of this order.



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WEB COPY 5. With the above directions, the civil revision petition stands dismissed. No costs.

10.07.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

The I Additional Judge,
Family Court,
Chennai.



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M.NIRMAL KUMAR, J.

cse

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