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C.R.P.No.2116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2116 of 2024

and

C.M.P.No.11264 of 2024

Vijaya Krishna Nair

... Petitioner

Vs.

Suchithra Nair

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the first Appellate Court to dispose of the C.A.No.108 of 2020 on the file of XX Additional Sessions Judge, Allikulam, Chennai within the time that may be fixed by this Court.

For Petitioner : Mr.V.Ramamurthy
for Ms.D.Kamatchi

For Respondent : Ms.Shaikh Mehrunnisa

ORDER

The petitioner/appellant in C.A.No.108 of 2020 had filed this petition seeking earlier disposal of C.A.No.108 of 2020 by the XX Additional Sessions Judge, Allikulam, Chennai.



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2.The learned counsel for respondent submitted that the petitioner and the respondent made their submissions in the impugned appeal and it was posted for orders for more than one year and finally during the annual transfer, earlier Presiding Officer got transferred and now new Presiding Officer took charge. But arguments could not be advanced for the reason that the impugned order of the XVIII Metropolitan Magistrate, Saidapet, Chennai in a Domestic Violence Complaint in M.C.No.28 of 2014 is not legible, readable, hence, awaiting for clear copy from the XVIII Metropolitan Magistrate, the case is kept pending.

3.The learned counsel for petitioner submitted that earlier the arguments advanced on 21.02.2022. From 21.02.2022 to 10.01.2023, the case has been posted for arguments and the arguments completed. Thereafter posted for orders on 08.02.2023 and on 20.03.2023 it was posted for judgment. Again it was posted on 22.06.2023 for arguments. In the meanwhile, there was a transfer of Presiding Officer. The present Presiding



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Officer, on 22.06.2023, when took up the case for arguments, found the order illegible and unreadable. Hence, again reverting to the earlier direction of sending clear legible copy of the order from XVIII Metropolitan Magistrate, Saidapet, the case was adjourned and kept pending from 05.08.2023 to till date, recording as await records. Till 14.06.2024, so far, there was 9 adjournments for want of clear copy and arguments could not be advanced both by the petitioner and respondent. The learned counsel for respondent also concurs the same.

4.Considering the submissions made and on perusal of the materials, it is seen that the appeal is kept pending from the year 2020. In this case, Domestic Violence Complaint was filed in the year 2014 and orders passed in Domestic Violence Complaint on 22.01.2020 and thereafter, during the trial stage, it took around six years and now it is almost four years, still the finality could not be reached for the reason that clear copy of the order not available. In view of the above, the learned XVIII Metropolitan



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Magistrate, Saidapet, Chennai is directed to provide clear legible copy of the order in M.C.No.28 of 2014, if the records are available. In the event of records being forwarded to the XX Additional Sessions Judge, Allikulam, Chennai, the learned Session Judge is directed to make arrangements to prepare a clear copy. Thereafter the clear copy and the on-line downloaded copy, which is already before the Court, can be compared and the appeal can be heard and dispose of within a period of two months from the date of receipt of a copy of this order. In the meanwhile, the consequential relief if any, on the orders of the Domestic Violence Case, which is now under appeal, to be kept in abeyance.

With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To
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- 1.The XX Additional Sessions Judge,
Allikulam, Chennai.
- 2.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.



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M.NIRMAL KUMAR, J.

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