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C.R.P. No. 2765 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 18.09.2024

CORAM

**THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

**C.R.P. No. 2765 of 2024**  
**and**  
**C.M.P. No. 14674 of 2024**

R.Radhika

... Petitioner / Petitioner /  
Petitioner / Respondent

Vs.

G.Ramesh Babu

...Respondent / Respondent /  
Respondent / Petitioner

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in I.A. No. 3 of 2024 in O.P. No. 3490 and 3980 of 2019 on the file of the Principal Judge, Family Court at Chennai and set aside the order passed in I.A. No. 3 of 2024 in O.P. No. 3490 and 3980 of 2019 dated 14.06.2024

For Petitioner : Mr. K.Ashok Chakravarthy  
Assisted by Mr. M.Vijaya Kumar

For Respondent : Mr. J.Saravanel

**ORDER**

This civil revision petition arises against the order of the learned Principal Judge, Family Court at Madras in I.A. No. 3 of 2019 in O.P. No. 3490 of 2019 dated 14.06.2024.



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2. Heard Mr. K.Ashok Chakravarthy for Mr. M.Vijaya Kumar for the civil revision petitioner and Mr. J.Saravanel for the respondent.

3. There is no dispute in relationship between the parties. The civil revision petitioner is the wife and the respondent is the husband. The respondent filed O.P. No. 254 of 2013 on the file of the Subordinate Judge at Tambaram seeking divorce. This proceeding was transferred to the file of the Family Court at Chennai and renumbered as O.P. No. 3980 of 2019. Subsequently, the wife preferred O.P. No. 3490 of 2019 for restitution of conjugal rights. The matter is now pending before the Principal Family Court at Chennai. Both sides would invite me to see the previous litigations between the parties. I do not think any of the orders passed previously are germane to the present proceedings.

4. The present revision arises against the order of the learned Principal Judge, Family Court in dismissing a petition filed by the wife seeking for joint trial of O.P. No. 3980 of 2019 and O.P. No. 3490 of 2019. She dismissed the petition on the ground that the stages of the case are different and therefore a joint trial of the cases is not feasible.



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5. One is a proceeding for divorce and another is a proceeding for restitution of conjugal rights. Interest of justice demands that both the proceedings should be disposed of by a common judgment. The different stages of the proceedings has come about on account of the proceedings being transferred from Tambaram to Chennai. It can be resolved in a very easy manner. O.P. No. 3980 of 2019 is at the stage of the respondent side evidence. The stage of O.P. No. 3490 of 2019 is at petitioner side evidence. Therefore, the learned Family Judge, instead of having a joint trial, can have separate but simultaneous trial and dispose of both the proceedings by a common judgment.

6. To clarify, the respondent wife shall give her evidence in O.P. No. 3980 of 2019 and thereafter give her evidence in O.P. No. 3490 of 2019. The learned counsel for the husband shall cross examine the wife on both the evidences but they shall be recorded separately. Once the evidence of the wife is concluded, the learned Judge will adjourn O.P. No. 3980 of 2019, awaiting the recording of evidence by the husband in O.P. No. 3490 of 2019. Once the evidence in both the cases are completed, the learned Judge shall pass a common judgment disposing of both the proceedings.



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**WEB COPY** 7. At this stage Mr. J.Saravanel would submit that though different directions have been given by this Court for disposal of the proceedings, the matter is still languishing at the stage of trial. Mr. K.Ashok Chakravarthy submits that his client would be willing for recording of evidence as expeditiously as the exigencies of the diary of the Family Court permits. The learned Principal Judge, Family Court, Chennai is requested to dispose of both the proceedings within a period of four months from the date of receipt of a copy of this order. The learned Judge is requested to ensure that unnecessary adjournments are not granted to either parties.

8. In the result, the civil revision petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

**18.09.2024**

Index : Yes/No  
Speaking order : Yes/No  
NCC : Yes/No  
pal

**Note: Issue order copy by 20.09.2024.**



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To

The Principal Judge, Family Court at Chennai.



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**V.LAKSHMINARAYANAN, J.,**

pal

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