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C.R.P.No.2921 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2921 of 2024

Arati Vilvaraj

... Petitioner

Vs.

V.S.Vilvaraj

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the I Additional Family Court, Chennai to expeditiously dispose of O.P.No.4066 of 2022, pending on the file of the I Additional Family Court, Chennai, within a time frame fixed by this Court.

For Petitioner : Mr.K.P.Sathish Kumar

ORDER

This Civil Revision Petition has been filed seeking a direction to the I Additional Family Court, Chennai to dispose of the petition in H.M.O.P.No.4066 of 2022 within a time frame as fixed by this Court.



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2. The petitioner/estranged wife of the respondent has filed the divorce petition in H.M.O.P. No. 4066 of 2022. The contention of the petitioner is that the marriage between her and the respondent was solemnized on 21.02.1999. They have two children from the wedlock namely Vishnu Lakshim and Vidya Sai, born on 19.02.2002 and 02.06.2005, respectively. The respondent did not take care of the petitioner and her children and hence she moved out of the matrimonial home on 05.06.2016 and living separately with her children. It is stated that the respondent is delaying the progress of the trial by adopting various methods. On 04.08.2023 the petitioner filed proof affidavit and cross examined as P.W.1 and Ex.P1 and Ex.P6 were marked. Thereafter, on 27.09.2023, the petitioner and respondent were present, on that day there was no cross-examination done and the case was adjourned to 21.10.2023. On 21.10.2023, the P.W.1 cross examined in part and for continuation the matter was posted on 24.11.2023. On 24.11.2023, PW1 cross continued and finally the matter



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was posted on 19.12.2023. On 19.12.2023 cross examination completed and the case was posted for further evidence on 12.01.2024. From 12.01.2024 this case has been periodically adjourned. On 05.03.2024, the petitioner side evidence was closed and for respondent side evidence the matter was called on 25.03.2024, 12.04.2024, 03.05.2024, 15.05.2024, 03.06.2024, 15.06.2024, 08.07.2024, 24.07.2024. Now the case is posted on 05.08.2024 for the evidence of respondent side. The respondent neither cooperates for speedy disposal of the case nor shown any interest in the trial proceedings and taking adjournment for past four years. He has filed petition for re-open and re-call further cross examination and petitions of this nature are being filed to protract the proceedings.

3. Considering the submissions of the petitioner along with adjudication notes and the documents filed, it confirms the contentions of the petitioner that the respondent has been delaying the trial for one reason or the



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other. In this case, the evidence of the petitioner P.W.1 continued from 04.08.2023 and after several adjournments and long delay he was cross examined finally on 09.12.2023. Thereafter, till 24.07.2024, the case is posted for evidence on the side of the respondent. In such circumstances, the Trial Court is adjourning the case without any progress and acceding to the adjournment plea sought for by the respondent is not proper.

4. Since it is only a limited prayer seeking direction to dispose of the petition in H.M.O.P.No.4066 of 2022 within the stipulated period, notice to the respondent not required. Hence, notice to the respondent dispensed with.

5. Considering the submissions made and on perusal of the material, this Court directs the Trial Court (I Additional Family Court, Chennai) to conclude the proceedings in H.M.O.P. No. 4066 of 2022 without



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any further delay, preferably within a period of three months from the date of receipt of a copy of this order.

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6. With the above directions, this Civil Revision Petition is disposed of. No costs.

25.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The I Additional Family Court, Chennai.



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M.NIRMAL KUMAR, J.

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