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C.R.P. (PD) No.3058 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P. (PD).No.3058 of 2024

Swamivel

... Petitioner

Vs.

Soniya

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order of direction to expedite the trial in I.D.O.P.No.84 of 2021 pending on the file of the learned Principal District and Sessions Judge, Tiruvallur.

For the Petitioner : Mr.Dhilip Roshan .O.G.

O R D E R

This Civil Revision Petition is filed to direct the learned Principal District and Sessions Judge, Tiruvallur, to expedite the trial in I.D.O.P.No.84 of 2021.



2. Since no adverse order is being passed in this Civil Revision Petition, notice to the respondent is hereby dispensed with.

3. Marriage between the petitioner and the respondent took place on 22.01.2020, as per the Christian rites and customs. After marriage, both the petitioner and the respondent have started their matrimonial life at Chennai. While so on 29.04.2020, the respondent went to her parents house, however, she reached her parents house only on 02.05.2020. Since the petitioner has got doubt about her absence on those days he asked the same to the respondent. However, she was unable to give any answer.

4. In the meanwhile, the respondent's cousin sister has sent a complaint to the Chief Minister's Cell against the petitioner. Further the respondent's family members had abused and assaulted the petitioner and his relatives. In this regard, a complaint before the police has been registered and finally it was decided that the marriage between the petitioner and the respondent did not continue and hence the petitioner had filed a petition seeking divorce.



5. During, January 2021, the respondent had appeared before the Trial Court and filed a counter on 15.09.2022. Thereafter, the petitioner had filed a proof affidavit and documents and exhibits on 24.11.2022. Subsequently, the case was adjourned to 16.12.2022 for cross examination and for the past 1 ½ years, cross examination has not been completed by the respondent. On the other hand, the respondent had filed I.A.No.2 and 3 seeking interim maintenance and return of articles.

6. The petitioner had filed assets and liabilities statements as early as in the year 2023. The respondent is yet to file her assets and liabilities statements and citing the pendency of Interlocutory applications, the IDOP has been adjourned periodically without any progress. In such circumstances, the present Civil Revision Petition has been filed.

7. Petitioner's contention along with the Trial Court adjudication perused.

8. It is seen that the petitioner had filed the divorce petition on 17.01.2021. The respondent has filed her counter on 15.09.2022 and proof



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affidavit on 24.11.2022. Thereafter, the case stands posted for cross examination by the respondent on 16.12.2022. However, till date cross examination has not been carried out.

9. In the meantime, I.A.Nos.2 and 3 filed by the respondent seeking interim maintenance and return of articles. The petitioner filed his assets and liabilities and adjudication is yet to be completed. The respondent citing the pendency of the interlocutory applications, dragging the proceedings in IDOP and kept the matter pending, which is not appropriate. The Trial Court adjourning the matter time and again, even though there is no stay order in the interlocutory applications.

10. In view of the above, the Trial Court is directed to take effective steps to dispose the I.A.Nos.2 and 3 of 2023 within a period of one month from the date of receipt of a copy of this order and thereafter complete the proceedings in I.D.O.P.No.34 of 2021 within a period of three months from the date of disposal of the I.A.Nos.2 and 3 of 2023.

11. With the above direction, this Civil Revision Petition stands



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disposed of. No costs.

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Index: Yes/ No

Internet: Yes/ No

Speaking Order/ Non Speaking Order

Neutral citation: Yes/No

To

The Principal District and Sessions Judge, Tiruvallur.

M.NIRMAL KUMAR,J.

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