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C.R.P. Nos. 3777 and 4142 of 2024

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

**DATED: 15.10.2024**

**CORAM**

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

**C.R.P. Nos. 3777 and 4142 of 2024**

**and**

**C.M.P. No. 22698 of 2024**

**In both C.R.Ps.**

V.S.Vilvaraj

... Petitioner / Petitioner / Respondent

**Vs.**

Arati Vilvaraj

... Respondent / Respondent / Petitioner

**COMMON PRAYER:** Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order dated 19.08.2024 in I.A. Nos. 1 and 2 of 2024 in O.P. No. 4066 of 2022 on the file of the I Additional Family Court at Chennai and consequently allow the reliefs prayed for in I.A. Nos. 1 and 2 of 2024 in O.P. No. 4066 of 2022 on the file of the I Additional Family Court at Chennai.

For Petitioner : Ms. N.Swathi Priyaraj  
(in both C.R.Ps.)

For Respondent : Mr. K.P.Sathish Kumar  
(in both C.R.Ps.)



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## **COMMON ORDER**

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2. O.P. No. 4066 of 2022 has been presented by the wife seeking for divorce. The petitioner married the respondent on 21.02.1999 at Chennai. From the wedlock, two children were born on 09.02.2002 and 02.06.2005. Pleading, *inter alia*, that she had been unfairly turned out of the matrimonial home on 05.06.2016, the wife has initiated the aforesaid proceeding.

3. The civil revision petitioner, as the respondent entered appearance, and has filed a counter. Trial commenced on 04.08.2023. The civil revision petitioner / husband cross examined the wife on 21.10.2023, 24.11.2023 and 19.12.2023. Thereafter, the matter has been posted for evidence of the civil revision petitioner / husband. He has also deposed in chief and has been subjected to cross examination on several dates.

4. Mr. K.P.Sathish Kumar states that it is posted for continuation of cross examination of the husband on 16.10.2024. After the evidence of the wife was over, the husband took out an application in I.A. No.1 of 2024 and I.A. No.2 of 2024, seeking to reopen the evidence of the wife which was closed on 19.12.2023 and to recall her for further cross examination. The



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ground on which the husband wants the evidence to be reopened is that at the time of cross examination, the counsel who he had engaged was not present in Court and it was only the said counsel's junior who had proceeded with cross examination. He believes that certain crucial questions had not been addressed to the respondent wife and hence, he sought for the aforesaid reliefs.

5. The responded wife filed a detailed counter pointing out that this Court in C.R.P. No. 2921 of 2024 had given a direction for expeditions disposal of the proceedings on 25.07.2024. In addition, the wife pleaded that from 21.10.2023 to 19.12.2023, the husband did not cooperate with the Trial Court for disposal. It was only on 19.12.2023 that she was cross examined and the evidence was closed. In effect, the plea is that husband is trying to drag on the proceedings and increase the agony of the respondent wife.

6. This plea of the wife found acceptance with the I Additional Family Court at Chennai and the petitions came to be dismissed on 19.08.2024. Hence, this revision.

7. Heard Ms. N.Swathi Priyaraj for the civil revision petitioner and Mr. K.P.Sathish Kumar for the respondent.



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WEB COPY 8. The narration of the aforesaid facts would go to show that the I Additional Family Court at Chennai has been directed by this Court to dispose of the proceedings within 3 months from 25.07.2024. It also shows that the husband did not cooperate for the purpose of disposal of the proceedings. This, despite the fact, the wife had graced the witness box on all the dates of hearings. The idea of the husband seems to be to prolong the litigation.

9. One major reason persuading me to allow these revisions is that the cross examination of the respondent wife was conducted by a junior counsel. Though all counsels are the same, obviously a junior counsel of not sufficient experience, might not have been in a position to cross examine the wife on all points that her senior would have wanted to do. Therefore, taking into consideration that the husband wants one final opportunity to cross examine the wife, I am inclined to consider these revisions. However, since the husband wants the luxury of litigation, he would necessarily have to pay for the said luxury.

10. In the light of the above discussion, the order passed in I.A. No. 1



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of 2024 and I.A. No. 2 of 2024 in O.P. No. 4066 of 2022 dated 19.08.2024

are set aside on the condition that the civil revision petitioner pays the respondent a sum of Rs. 10,000/- per application (in all Rs.20,000/-) on or before 25.10.2024. In case the cost of Rs. 20,000/- is not paid, the benefit of this order will not enure in favour of the civil revision petitioner. In case, the cost is paid by the husband, the wife shall present herself for cross examination on 28.10.2024 and her cross examination should be completed on that date. In the meantime, the learned Judge shall permit Mr. K.P.Sathish Kumar to complete the cross examination on the civil revision petitioner. The I Additional Family Court at Chennai is requested to comply with the order passed in C.R.P. No. 2921 of 2024 dated 25.07.2024 and dispose of the proceeding by 15.11.2024.

11. With the above directions, these civil revision petitions are allowed.

Consequently, the connected miscellaneous petitions are closed.

**15.10.2024**

Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

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**Note: Upload order copy forthwith.**



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I Additional Family Court at Chennai.



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**V.LAKSHMINARAYANAN, J.,**

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