



CRP.No.4839 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.4839 of 2023

R.Satyaprabu	...	Petitioner
	Vs.	
P.Sheeba	...	Respondent

Prayer: Civil Revision Petition has been filed under Article 227 of Constitution of India to direct the II Additional Judge, Family Court, Chennai, to dispose of O.P.No.1409 of 2018 pending on the file of the II Additional Judge, Family Court, Chennai, within a stipulated time.

For Petitioner : Mr. S.Venkatesan

ORDER

This civil revision petition has been filed to direct the II Additional Judge, Family Court, Chennai, to dispose of O.P.No.1409 of 2018 pending on the file of the II Additional Judge, Family Court, Chennai, within a stipulated time.



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2.The learned counsel appearing for the petitioner submitted that the marriage between the parties was solemnized on 27.08.2015. Out of the wedlock, they have one female child. Due to misunderstanding between them, the petitioner filed O.P.No.1409 of 2018 for divorce, which is pending from the year 2018. Thereafter, for some reason or other, the petition was not progressed. In this regard, CRP.No.63 of 2021 filed before this Court, in which, direction was given to the trial Court to dispose the O.P.No.1409 of 2018 before 30.12.2021. In the meantime, since the respondent filed a petition for interim maintenance, the trial did not proceed. Hence, the petitioner by way of the present civil revision petition sought direction of this court to the Trial Judge to dispose the case within a stipulated time.

3.I have considered the matter in the light of the submission made by the learned counsel appearing for the petitioner and perused the material available on record.



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4. On verification through e-filing, the total pendency of the trial Court is 3988. With regard to the disposal of pending cases in the Court, the *Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra* held that “since every High Court and every Court in the country has a huge pendency, the constitutional court should avoid temptation of fixing a time-bound schedule for disposal of any case before any court unless the situation is extra ordinary.”

5. Considering the pendency of the case before the trial Court and the decision of the Hon'ble Supreme Court *in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra*, no time bound order can be passed for disposal of the case. However, considering the fact that since the matter is pending from the year 2018 and it is a family dispute, this Court directs the learned II Additional Judge, Family Court, Chennai, to dispose the case in O.P.No.1409 of 2018 as early as possible after affording an opportunity to both the parties.



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6. With the above direction, the Civil Revision Petition is
allowed. No costs.

Index: Yes/No
Internet: Yes/No
sms

19.01.2024

To

The II Additional Family Court,
Chennai



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V.SIVAGNANAM, J.

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