



CRP.No.5051 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.5051 of 2023

K.Prakash	...	Petitioner
	Vs.	
Kavita	...	Respondent

Prayer: Civil Revision Petition has been filed under Article 227 of Constitution of India to direct the learned I Additional Family Court, Chennai to dispose the original petition filed in O.P.No.4256 of 2017 in a time bound manner as expeditiously as poossibly aby allowing the civil revision petition throughout with costs.

For Petitioner : Mr. T.Vardhaman Jain

ORDER

This civil revision petition has been filed to direct the I Additional Family Court, Chennai, to dispose the original petition filed in O.P.No.4256 of 2017 in a time bound manner as expeditiously as possible.



CRP.No.5051 of 2023

WEB COPY

2.The learned counsel appearing for the petitioner submitted that the petitioner filed O.P.No.4256 of 2017 for divorce, which is pending before the I Additional Family Court, Chennai. The trial Court has been granting adjournments after adjournments to the respondent. The matter is at stand still at the stage of cross examination of PW1 from 27.09.2021 which is almost 2 years and 2 months twice cross examination of PW1 have passed. 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.

4.On verification through e-filing, the total pendency of the trial Court is 4244. 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***



CRP.No.5051 of 2023

WEB COPY

Maharashtra 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 Maharashtra*, no time bound direction can be passed for disposal of the case. However, considering the fact that since the matter is pending from the year 2017 and it is a family dispute, this Court directs the learned I Additional Judge, Family Court, Chennai, to dispose the case in O.P.No.4256 of 2017 as early as possible after affording an opportunity to both the parties.

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

Index:Yes/No
Internet:Yes/No
sms

19.01.2024



WEB COPY



CRP.No.5051 of 2023

V.SIVAGNANAM, J.

sms

To

The I Additional Family Court,
Chennai

CRP No.5051 of 2023

19.01.2024