



CRP.No.4829 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.4829 of 2023

A.M.Shahul Hameed	...	Petitioner
	Vs.	
Reshma	...	Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to direct the II Additional Family Court at Chennai to dispose of the O.S.No.249 of 2018 within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr. Alamelumangai

ORDER

This civil revision petition has been filed to direct the II Additional Family Court at Chennai to dispose of the O.S.No.249 of 2018 within a time frame that may be fixed by this Hon'ble Court.



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2. Heard the learned counsel appearing for the petitioner.

3. On perusal of the materials, it is noticed that the suit in O.S.No.249 of 2018 is pending for more than 5 years. The mandatory counselling process was done by the Councillors in the Family Court on 02.01.2019, 29.03.2019 and on 25.04.2019 but it was ended in vain, thereafter, it was referred back to the Court. The case was posted for written statement on 28.08.2019 but it was not filed by the defendant. Thereafter, the case did not proceed further due to covid pandemic. Again it was referred for mediation and due to non appearances, the case was referred back to Court. In such circumstances, the petitioner sought direction of this court to the Trial Judge to dispose the case within a time frame, hence, the present civil revision petition.

4. Further, it is noticed that on verification through e-filing, the total pendency of the trial Court is 3988.



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5. At this stage, 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* 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 extraordinary.”

6. 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 order can be passed for disposal of the case. However, considering the fact that since it is a family dispute, this Court directs the learned II Additional Family Judge, Chennai, to dispose the case in O.S.No.249 of 2018 as early as possible after affording opportunity to both the parties.



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7. 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

V.SIVAGNANAM, J.



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