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C.R.P.P.D.No280 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.R.P.P.D.No.280 of 2025

K.R.Gugan

.. Petitioner

-Vs.-

R.Kavitha

.. Respondent

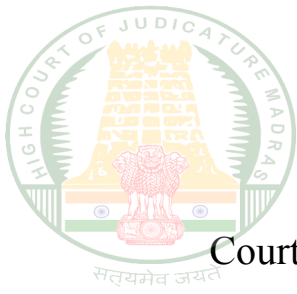
Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Hon'ble VII Additional Principal Family Court at Chennai to dispose the O.P.No.4342 of 2015 within a time frame to be stipulated by this Court.

For petitioner ... Mr.Suchit Anant Palande

For respondent ... Ms.P.V.Preeja

ORDER

The above Civil Revision Petition is filed seeking a direction to the learned VII Additional Principal Family Judge, Chennai to dispose of O.P.No.4342 of 2015 within a time frame to be stipulated by this



C.R.P.P.D.No280 of 2025

Court.

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2. The petitioner is the husband and the respondent is his wife.

The marriage between the petitioner and the respondent was solemnized on 27.05.2013. According to the petitioner, he was ill-treated by the respondent, which caused him to file a petition in O.P.No.4342 of 2015 on the file of the VII Additional Principal Family Court at Chennai for the dissolution of marriage on the ground of cruelty. The respondent herein had filed O.P.No.4408 of 2015 before the VII Additional Principal Family Court, Chennai for the restitution of conjugal rights and thereafter, filed a petition for maintenance in M.C.No.535 of 2017 before the same Court.

3. Meanwhile, the respondent/wife had filed C.R.P.No.1190 of 2023 to set aside the order passed in I.A.No.3 of 2022 in O.P.No.4342 of 2015. The petitioner / husband had filed C.R.P.No.719 of 2023 praying for the speedy disposal of O.P.No.4342 of 2015 on the file of the VII Additional Principal Family Court, Chennai. Since the issues



C.R.P.D.No280 of 2025

involved in O.P.Nos.4342 and 4408 of 2015 and M.C.No.535 of 2017 are different and the procedures are also distinct, the petitioner herein who is the respondent in C.R.P.No.1190 of 2013 stated that he had no objection to the M.C.No.535 of 2017 being tried separately. Pursuant to which, this Court had disposed of the above Civil Revision Petitions by order dated 19.04.2023 with a direction to the trial Court to take up M.C.No.535 of 2017 separately by separating it from the joint trial in respect of the other suits and the maintenance case was directed to be disposed of not later than three months. Thereafter, the petitioner has come forward with this revision seeking an early disposal of O.P.No.4342 of 2015.

4. The learned counsel for the petitioner would submit that M.C.No.535 of 2017 which was directed to be disposed of within a period of 3 months from the date of receipt of a copy of that order has not been disposed of to date.



C.R.P.P.D.No280 of 2025

5. It is seen that the petitioner/husband is yet to pay a penny to his wife and the maintenance case is also pending. Without paying maintenance to the wife, the husband seeks an early disposal of his divorce petition which this Court is not inclined to grant . Accordingly, the civil revision petition is dismissed. However, liberty is given to him to revive his request once the maintenance application is disposed of.

No costs.

24.02.2025

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To

The VII Additional Principal Family Court at Chennai



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C.R.P.P.D.No280 of 2025

P.T.ASHA.J

srn

C.R.P.P.D.No280 of 2025

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