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CRP.No.1422 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.No.1422 of 2025
and CMP.No.4636 of 2025

Ashwanth Pothy

... Petitioner

Vs.

Asmitha Alanknitha

... Respondent

Prayer: Civil Revision Petition filed under Section 227 of Constitution of India praying to direct the Principal Family Court, Coimbatore, to dispose the H.M.O.P.No.604 of 2023 expeditiously as possible within the time frame fixed by this Court.

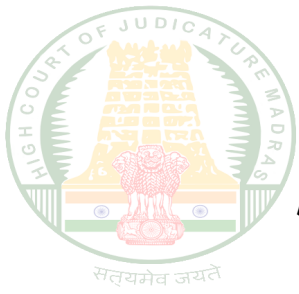
For Petitioner : Mr.N.C.Ashok Kumar

For Respondent : Mr.A.K.Sriram, Senior Counsel
for Mr.M.Sriram

ORDER

This Court has passed the following order in CRP.No.1422 of 2025 on 07.04.2025 :

"The petitioner-husband has filed the present revision petition seeking to dispose of the HMOP.No.604 of 2023 filed

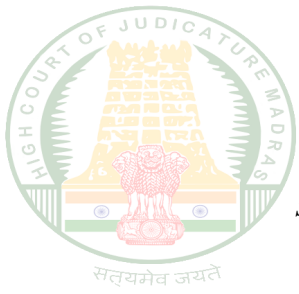


by him at the earliest.

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2. The petitioner-husband has filed HMOP.No.604 of 2023 for divorce before the Principal Family Court, Coimbatore. According to the revision petitioner, the respondent -wife has chosen to enter appearance as early as 28.06.2023 and inspite of the case being posted on 21 occasions for filing counter, the respondent-wife has not filed any counter. However, as a counter blast to the above HMOP, she had filed a petition in DVA.No.86 of 2023 on the file of Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore as against the petitioner and his parents. Challenging the same, the petitioner-husband and his parents have filed CRP.No.2414 of 2023 and CRP.No.2418 of 2023 respectively and the same are pending.

3. A perusal of the lower Court records would indicate that the notice was ordered to the respondents on 13.04.2023 and the same was served on them on 22.05.2023, and from 25.08.2023 onwards, the matter is pending for filing counter by the respondent-wife. The learned Principal Family Court, Coimbatore cannot keep the matter pending indefinitely. Therefore, a direction is issued to the learned Principal Judge, Family Court, Coimbatore, to dispose of the HMOP.No.604/2023 pending on the file, within a period of



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six months from the date of copy of this order. No costs."

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2. The respondent-wife in the revision petition has filed CMP.No.19098 of 2025 seeking to recall the above order dated 07.04.2025, and the said petition was allowed by this Court vide separate order dated 07.08.2025. Parties would be referred to as per their ranking in CMP.No.19098 of 2025.

3. The petitioner-wife would contend that in HMOP.No.604/2023 filed by the husband for divorce, she had taken out an application in I.A.No.3/2023, which fact has not been brought to the notice of this Court while disposing of CRP.No.1422 of 2025. This I.A.No.3/2023 has been filed for initiating proceedings for contempt and perjury against her husband, as it is the contention of the wife, that in the affidavit filed before the trial Court, the husband has suppressed the income from various properties and has made false statements.

4. The petitioner-wife would also submit that the learned trial Judge is insisting for day-to-day trial, as there is a direction of this Court to dispose of HMOP.No.604/2023. In such circumstances, the petitioner-wife would



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submit that the disposal of I.A.No.3 of 2023, prior to the trial and disposal of HMOP, is necessary as the allegation in the said I.A., involves perjury.

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5. The learned counsel appearing for the respondent-husband also admits that the application in I.A.No.3/2023 is now pending consideration and it is also seen that a counter has been filed in the above matter and the matter is right for arguments. Therefore, CRP.No.1422 of 2025 is modified, giving a direction to the Principal Family Court, Coimbatore, first to dispose of I.A.No.3/2023, within a period of two months from the date of receipt of a copy of this order and thereafter, to dispose of the HMOP.No.604/2023, within a period of four months. No costs.

07.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:
The Principal Judge, Family Court, Coimbatore.

P.T. ASHA, J.

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