



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.1705 of 2025

& CMP.Nos.9841 & 9842 of 2025

R.Divya

... Petitioner

Vs.

N.Ramanathan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 19.07.2024 passed in I.A.No.3 of 2024 in O.P.No.2645 of 2021 on the file of the VII Additional Principal Family Court, Chennai.

For Petitioner : Mr.S.Prakash

For Respondent : Mrs.R.Abirami

ORDER

The Civil Revision Petition has been filed, seeking to set aside the order dated 19.07.2024 passed in I.A.No.3 of 2024 in O.P.No.2645 of 2021 on the file of the VII Additional Principal Family Court, Chennai.



2. Heard the learned counsel for the parties.

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3. The learned counsel for the petitioner, inviting my attention to the impugned order in I.A.No.3 of 2024, seeking joint trial of both O.P.No.4011 of 2019 for divorce and O.P.No.2645 of 2021 for restitution of conjugal rights, would point out that the order has been passed in a cryptic manner and there is absolutely no reasons assigned for dismissing the application.

4. The learned counsel for the respondent would however state that in both OPs, P.W.1 was examined in full, both chief and cross and in view of the separate trial being conducted, chief is by way of proof affidavits, cross examination is only limited to the particular cases. He would therefore state that at this juncture, it would not be proper for ordering joint trial of both OPs. However, considering that the reliefs for restitution of conjugal rights and divorce are mutually exclusive and also destructive to each other, in order to avoid any conflicting orders, it is desirable that the Family Court tries both the OPs simultaneously for which no prejudice would be caused to both the parties and it will provide them ample opportunity to put forth all their contention in the proceedings. Further, O.P.4011 of 2019 is pending



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for the past six years and O.P.No.2645 of 2021 has been pending for four years. Therefore, the VII Additional Principal Family Court, Chennai, is directed to dispose of O.P.No.4011 of 2019 and O.P.No.2645 of 2021, within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

07.07.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
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To
The VII Additional Principal Family Court, Chennai.



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P.B. BALAJI,J.

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