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CRP.No.2171 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.2171 of 2025
and
CMP.Nos.12715 & 12718 of 2025**

Anand N.S.
S/o.P.N.Sankaran

... Petitioner

Vs.

Kalpana
D/o.Mr.Kanniappan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the trial Court to take up the petitions namely O.P.No.792 of 2024 and H.M.O.P.No.4545 of 2023, both pending on the file of the Principal Judge, Family Court, Chennai and to try them jointly.

For Petitioner : Mr.C.Prasanna Venkatesh

For Respondents : Mr.S.Abdul Khadhar

ORDER

This Revision Petition has been filed to direct the trial Court to take up the petitions namely, O.P.No.792 of 2024 and H.M.O.P.No.4545 of 2023, both pending on the file of the Principal Judge, Family Court, Chennai and to try them jointly.

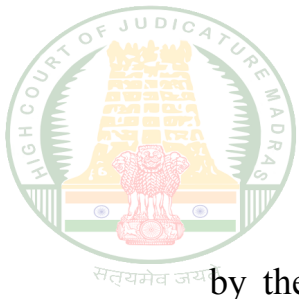


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2. Heard, Mr.C.Prasanna Venkatesh, the learned Counsel for the petitioner / husband and Mr.S.Abdul Khadar, the learned Counsel for the respondent / wife.

3. This CRP has been preferred seeking joint trial of two OP's one in HMOP.No.4545 of 2023, which has been filed by the petitioner / husband seeking dissolution of marriage and the other in O.P.No.792 of 2024, filed by the respondent/wife, under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights. Admittedly, both the OP's are pending before the Principal Family Court, Chennai.

4. The grievance of the petitioner/husband is that OPs are assigned different dates and in order to have joint trial, the petitioner has come forward with the present revision in order to club both the OPs, to avoid conflicting orders being passed by this Court. Admittedly, the petitions filed by both the husband and wife are pending before the same Court. However, they are not being taken together.



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5. Learned Counsel for the respondent states that the petition filed by the petitioner / husband is at the stage of filing of proof affidavit and despite several adjournments, the petitioner has not come forward to file proof affidavit. However, in so far as the Section 9 application for restitution of conjugal rights, the respondent / wife has been examined as P.W.1 in chief and despite several opportunities granted to the petitioner / husband to cross examine, there being no cross examination forthcoming, the learned Family Court has also closed the evidence of P.W.1. He would therefore state that there is no necessity for ordering joint trial.

6. I have carefully considered the arguments advanced by the learned Counsel on either side.

7. It is also brought to my notice that in so far as the restitution petition, without evidence of P.W.1, it has been closed. An application has been taken for reopening the witness and the same is pending final decision.

8. In any event, both OPs filed by the petitioner / husband and respondent / wife are pending before the same Court, namely the Principal Family Court, Chennai. In the interest of the both the parties, these proceedings are to be jointly tried, so that there is no conflicting decision and also be convenient for the parties for marking documents and examination of



witnesses, since the nature of the evidence and documents would be more or less same in both the OPs.

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9. In the light of the above, this Civil Revision Petition is allowed with a direction to the Principal Family Court, Chennai to jointly try OP.No.792 of 2024, filed by the respondent / wife for restitution of conjugal rights and H.M.O.P.No.4545 of 2023, filed by the petitioner / husband for dissolution of marriage and evidence shall be recorded in HMOP.No.4545 of 2023. Considering the fact that the respondent / wife has already filed a proof affidavit, in respect of only one OP, at the appropriate stage, the learned Judge shall give an opportunity to the respondent to file an additional proof affidavit. The learned Principal Family Court shall endeavour to dispose of the OPs within a period of nine months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are allowed.

14.07.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
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P.B.BALAJI, J.

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To
The Principal Judge,
Family Court, Chennai.

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