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C.R.P.No. 131 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No. 131 of 2025

V.Suresh

Rep. by his power of attorney agent,

Mr. Viswanathan T

...Petitioner

(Cause title accepted and Mr.Viswanathan T recognised as Power agent to petitioner V.Suresh vide Court order dated 16.12.2024 made in CMP.Nos. 27785 & 27789 of 2024 in CRP.(PD).No. 137544 of 2024)

Vs.

Sarojini @ Sathya

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Court below to dispose of the HMOP.No.1458 of 2023, on the file of the XXXVII Additional Principal Family Court, Coimbatore.



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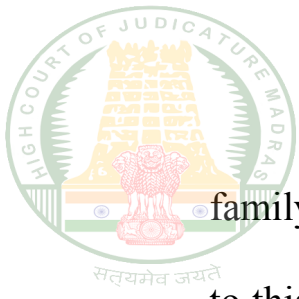
For Petitioner : Ms. D..Kamatchi

ORDER

The husband who is the petitioner in a petition for divorce is the revision petitioner seeking an early disposal of H.M.O.P.No.1458 of 2023, pending on the file of the XXXVII Additional Principal Family Court, Coimbatore.

2. The petitioner would submit that the above HMOP was originally filed by him in the year 2021 on the file of the Principal Subordinate Court, Kumbakonam.

3. The petitioner would submit that he had married the respondent on 25.05.2014 at Tanjavur and out of wedlock a son, Shravin Shyamlan was born on 10.02.2016. The petitioner would submit that the relationship between him and the respondent deteriorated as the respondent was very keen on extracting money from the petitioner. She was insistent on the petitioner transferring his



family properties in her name. Since the petitioner was not acceptable to this, she had lodged police complaint for Dowry Harassment against the petitioner and his parents.

4. During the compromise talks, the respondent demanded that the property be transferred in her name for withdrawing the complaint. Thereafter, the petitioner's father had settled a shop worth Rs.50,00,000/- in Pappanasam, in favour of the petitioner's son under a registered settlement deed dated 21.05.2020. A family arrangement was also entered into on the said date, wherein, the petitioner had agreed not to interfere in the selling of the other properties and the petitioner's personal life.

5. However, after the petitioner and his family had sold the property the respondent's father and brother had come with weapons and attacked the petitioner and his brother as a result of which they had sustained grievous injury and had to be rushed to the General Hospital, Pappanasam.



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6. The petitioner's father lodged a complaint and a case was filed against the respondent's brother and his friend. After all these incident had taken place the petitioner had decided to dissolve the marriage between him and the respondent and had filed H.M.O.P.No.137 of 2021, before the Principal Sub Court, Kumbakonam. Since the petitioner received a life threat he had filed a transfer petition in Tr.C.M.P.No.189 of 2023 before this Court seeking to transfer H.M.O.P.No.137 of 2021 to the Family Court, Coimbatore.

7. The petition was ordered and the petition was transferred to the file of the Family Court, Coimbatore, and re-numbered as H.M.O.P.No.1458 of 2023. The respondent has entered appearance in the above petition however, she has not filed a counter and the matter was adjourned frequently. Every time the matter was being adjourned for a period of 1 month. This runs contrary to the directions issued by this Court in Tr.C.M.P.No.189 of 2023, wherein this Court directed the Family Court, Coimbatore, to dispose of HMOP, within a period of 6



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months. Therefore, the petitioner is before this Court, seeking an early disposal.

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8. Heard the learned counsel and perused the records.

9. On perusing the notes of proceedings / A Diary extracts it is seen that even when the matter was pending before the Principal Sub Court, Kumbakonam in H.M.O.P.No.137 of 2021, the matter had been referred for mediation and it had been adjourned for 12 hearings. The matter was being adjourned for awaiting reports from the mediation center. Thereafter, the same was transferred to the file of the Family Court, Coimbatore.

10. The same was taken on file and the matter has been pending for counter of the respondent since 04.03.2024. A counter appears to have been filed on 20.08.2024 and the matter has been periodically adjourned for enquiry. The HMOP has been filed as early as in the year 2021. The petitioner is yet to get his dispute resolved.



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11. That apart, it is seen that when the matter was transferred, this Court directed the matter to be disposed of within a period of 6 months from the date of receipt of a copy of this order. However, that order has been observed in the breach.

12. Therefore, the Civil Revision Petition allowed. Direction is issued to the XXXVII Additional Principal Family Court, Coimbatore, to dispose of the HMOP, within a period of 6 months from the date of receipt of a copy of this order. It is needless to state that if the parties are deliberately not contesting the case then the learned Judge shall take such steps as appropriate for ensuring early disposal of the petition. No costs.

04.02.2025

Index : Yes/No
Internet : Yes/No



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To

The XXXVII Additional Principal Family Court,
Coimbatore.



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P.T. ASHA, J,

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