



CRP.No.5015 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.5015 of 2025

K.Aravind Kumar

... Petitioner

Vs

J.K.Nivethitha

... Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Family Court, Vellore, to dispose the F.C.O.P. No.271 of 2022 pending on its file within a stipulated time prescribed by this Court.

For Petitioner : Mr.A.J.Mohamed Kassim

ORDER

Seeking a direction for the speedy disposal of the F.C.O.P. No.271 of 2022 on the file of the Family Court, Vellore, the petitioner has preferred the present civil revision petition.



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2. The learned counsel appearing for the revision petitioner would submit that the revision petitioner / husband filed a petition in HMOP. No.925 of 2022, on the file of the Family Court, Madurai, for dissolution of marriage. The respondent / wife filed a petition in FCOP. No.271 of 2022 on the file of the Family Court, Vellore, for restitution of conjugal rights and the same is still pending. Thereafter the respondent / wife had filed a transfer CMP before this Court in Tr.C.M.P.No.125 of 2023. This Court vide order dated 17.07.2023, had withdrawn the HMOP. No.925 of 2022 from the Family Court, Madurai, and transferred the same to the Family Court, Vellore and the said OP was renumbered as HMOP No.281 of 2023. The learned counsel further would submit that the respondent / wife filed a petition in I.A. No.5 of 2025 in FCOP. No.271 of 2022 for maintenance. Currently the case is pending before the Family Court, Vellore, for further adjudication and disposal and the same is pending for the past three years without any progress and he prays for speedy disposal of the FCOP. No.271 of 2022, which is just and necessary.



3. It is pertinent to mention that High Court cannot issue such directions for speedy disposal unless there is a justification (or) acceptable reasons for issuing any such directions. It is relevant to cite the judgment of this Court in ***S.Baby Vs. S.Sakkubai Ammal*** reported in **2023 SCC OnLine Mad 674**, wherein, it has been held in paragraph nos.11 and 12 as follows:

“11. In the event of issuing direction in Civil Revision Petitions for speedy disposal without considering the number of cases pending in a particular Court on Board, it will result in discrimination against many other litigants, who all are waiting for disposal of their respective cases. There are allegations against the Courts that the cases are selectively picked up and disposed of. The plight of the poor and downtrodden are also to be taken into consideration, while disposing of the cases. The Court shall not pave way for such feeling to the litigants. The trust on the Judicial System is the Hallmark and any form of favouritism, nepotism or otherwise even in the matter of hearing of cases selectively will have larger repercussions on the system. No doubt certain cases are to be disposed of urgently, if there is a public interest involved or the litigants are able to establish genuine urgency for early disposal of the cases. Such cases alone are to be given priority.



12. *The practice of giving preference to any litigation without any justification at all circumstances to be avoided. Every litigant approaching the Court of Law is waiting for justice and thus, it must be done in a consistent manner and without discriminating the litigants. Therefore issuing directions indiscriminately for speedy disposal of cases would do no service to the cause of justice. Every urgency cannot be considered for issuing a direction for speedy disposal, and the urgency, which is imminent alone to be considered.”*

4. It is also relevant to cite the judgment of the Hon'ble Supreme Court in ***Sangram Sadashiv Suryavanshi Vs. The State of Maharashtra*** reported in **2024 INSC 899**, wherein, it has been held as follows:

“In paragraph 47.3 of the decision of a Constitution Bench of in the case of ‘High Court Bar Association, Allahabad vs. State of Uttar Pradesh & Ors. reported in (2024) 6 SCC 267, this Court has held that in the ordinary course, the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Paragraph 47.3 reads thus:

“47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of



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cases should be best left to the decision of the courts concerned where the cases are pending;” (underline supplied)

A direction which can be issued in exceptional circumstances is being routinely issued by High Courts without noticing the law laid down by the Constitution Bench.”

5. By applying the ratio laid down in the above judgments, fixing a time-bound schedule for the Court below to dispose of the cases pending therein is not warranted. The Court concerned is expected to regulate its own procedure in respect of the cases on board for effective disposal and to ensure that the cases are disposed of within a reasonable period of time.

6. In view of the same, the Family Court, Vellore, is requested to dispose of the case in FCOP. No.271 of 2022 as expeditiously as possible.

7. With the above observations, this Civil Revision Petition stands disposed of. No costs.



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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The Family Court, Vellore.

M. JOTHIRAMAN, J.

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