



CONT.P.No.1549 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

CONT.P.No.1549 of 2026

in

CRP.(PD)No.1287 of 2025

Bhargav Chakravarthy

: Petitioner

Vs.

B.Aarthi

: Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent for wilfully disobeying the order of this Court passed in CRP(PD)No.1287 of 2025 dated 27.06.2025.

For Petitioner : Mr.V.P.Raman

For Respondent : Mr.Suresh Sampath



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ORDER

WEB COPY Pursuant to the order dated 15.04.2026, the respondent/wife, the alleged contemnor is present in person, before this Court along with her counsel. A detailed counter affidavit along with typed set of papers has also been filed.

2. I have heard Mr.V.P. Raman, learned counsel for the petitioner and Mr. Suresh Sampath, learned counsel for the respondent.

3. The grievance of the revision petitioner, in the contempt petition is that despite a specific direction issued in CRP.(PD)No.1287 of 2025 to the II Additional Family Court, Chennai, to dispose of the main OP., for divorce filed by the petitioner, on or before 31.03.2026, the respondent/wife has taken out interlocutory applications only with a view to protract the proceedings and ensure that the OP is not disposed of expeditiously and the order of this Court, directing disposal by 31.03.2026 is defeated.

4. The learned counsel has taken me through the various adjudications made and recorded by the Family Court, on various hearing debts and has made an attempt to show that the respondent / wife has been the sole cause



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for the delay and hence, she is guilty of disobeying the order of this Court, by not cooperating with the Family Court for disposal of the O.P by 31.03.2026.

5. Per Contra, Mr. Suresh Sampath, learned counsel appearing for the respondent/wife would also take me through the various adjudications, commencing from the filing of an application by the petitioner himself, for filing a rejoinder to the counter affidavit and also the subsequent dates on which it has become necessary for the respondent to seek for a pen-drive of the audio recording and also the transcript. According to Mr.Suresh Sampath, learned counsel for the respondent, the petitioner had not provided the transcript and he had taken 74 days to produce the same and therefore, the petitioner cannot accuse the respondent of causing delay. The learned counsel would further state that the respondent has every right to take out interlocutory applications and such inherent right cannot be curtailed because there is a direction to dispose of the O.P. expeditiously. The learned counsel therefore prays for dismissal of the contempt petition.

6. I have carefully considered the submissions advanced by the learned counsel on either side.



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7. The petitioner has filed H.M.O.P.No. 4592 of 2023, which is pending before the II Additional Judge, Family Court, Chennai, seeking dissolution of the marriage with the respondent. The petitioner and respondent are admittedly husband and wife and they are they are blessed with two children, a daughter aged about 16 years and a son aged about 12 years. Presently the children are in the custody of the respondent/mother, which is also not in dispute. It is also an admitted fact that the respondent has filed a maintenance case in M.C.No. 629 of 2025, seeking for maintenance for the children and also H.M.O.P. No.456 of 2026 for restitution of conjugal rights under Section 9 of the Hindu Marriage Act. The said proceedings are also pending before the II Additional Judge, Family Court, Chennai. It is also brought to my notice that in H.M.O.P.No.456 of 2026, the parties have been referred to mediation, which is one of the mandatory procedures before taking up enquiry, in the main restitution petition.

8. The respondent herein/wife aggrieved by an order passed in I.A.No. 3 of 2024 seeking rejection of the divorce application, approached this Court by way of revision under Article 227 of the Constitution of India in CRP(PD).No.1287 of 2025. By order dated 27.06.2025, I had dismissed the said revision petition and directed the learned II Additional Judge, Family



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Court, Chennai, to dispose of H.M.O.P.No.4592 of 2023, on merits and accordance with law on or before 31.03.2026. Admittedly, pursuant to the said order, the petitioner has entered the witness box and he is in the process of adducing evidence. On the side of the petitioner, 7 documents have been marked and remaining documents are yet to be marked and delay was only on account of a pen drive and the transcript, having to be filed by the petitioner as there was an allegation on the side of the respondent that the audio clip was not clear. At the request of the learned counsel for the respondent, a pen-drive was required and for production of pen drive and official transcript, admittedly there has been some delay, which delay cannot be attributed to both the parties.

9. At the time of ordering notice in the contempt petition, I had also directed the learned II Additional Judge, Family Court, Chennai, to give a report regarding the status of the said H.M.O.P. No.4592 of 2023. The learned II Additional Judge, Family Court, Chennai, by report dated 20.04.2026, has stated that the H.M.O.P is in the stage of continuation of chief of P.W.1 and in view of applications in I.A.No. 9 of 2026 and I.A.No. 10 of 2026 filed by the respondent/wife, the main trial in the main O.P has been stalled. It is also brought to my notice by way of the said report that



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yet another interim application has been filed on 23.03.2026, by the wife, seeking issuance of subpoena to Jananam Fertility Centre, for production of certain records from the said Centre. The said application is yet to be numbered and taken up for enquiry, after affording an opportunity to the petitioner, to meet the allegations in the said application, by filing a counter affidavit.

10. On going through the records and also the report of the learned II Additional Judge, Family Court, Chennai, I do not see any wilful disobedience on the part of the respondent / wife with a *malafide* intention to delay the completion of H.M.O.P.No. 4592 of 2023 as alleged by the petitioner. At the same time, when this Court has directed disposal of the H.M.OP. by a particular date, that too, after ascertaining the convenience of the parties and in the presence of the respondent, the respondent should necessarily cooperate with the Family Court for expeditious trial and disposal of the H.M.O.P. It is however needless to state that the applications filed by the respondent have to be dealt with on its own merits and as seen from the report of the Family Court, Chennai, insofar as I.A.No.9 of 2026 enquiry has already been conducted and orders have been reserved and yet to be pronounced. Insofar as I.A.No.10 of 2026 seeking a direction to the



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petitioner to take the minor children and live with him for at least 3 days in a week, though the petition is at the stage of enquiry, I have heard arguments even in so far as the said application is concerned. The claim of the respondent/wife is that the petitioner is not taking care of the minor children, his own daughter and son and therefore, she has taken out the said application to impose an order of interim custody on the petitioner/husband. I do not see how this application is going to add any value to the petition for divorce. Further, it is not for either of the spouses to compel the other spouse to take interim custody of minor children. The said spouse can always seek for maintenance, which exercise has already been undertaken in the present case and the Maintenance Case is also pending before the very same Court and the pleadings have also been admittedly complete. However, at this juncture, the learned counsel for the respondent, on instructions from the respondent, has agreed to not press the said application. However, insofar as the unnumbered application seeking to issue subpoena to Jananam Fertility Centre, elaborate arguments were advanced on either side. The petitioner / husband denies having taken any treatment with said Jananam Fertility Centre and infact, the counsel, Mr.V.P.Raman, on instructions from the petitioner, who is also present through Video Conferencing states that if the



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petitioner had indeed taken any treatment, then he has no objection for the records concerned to be produced before the Court, reserving a right to explain any such documents, during the trial of the O.P. It is, however, argued by Mr. Suresh Sampath, learned counsel for the respondent, that the prayer in the petition in page No.254 in the unnumbered application is only seeking a direction to the Fertility Centre to produce original reports, authenticated copies of reports, etc, in respect of treatment given by the said Centre to the couple (including the petitioner and an unknown third party/lady). The learned counsel would contend that the said prayer will have to be read in line with the reference to the various payments alleged to have been made by the petitioner between 12.05.2023 and 05.02.2026. To such an interpretation Mr.V.P. Raman, learned counsel has taken serious objection and states that he had fairly conceded to the prayer, which is sought for by the respondent and the same cannot be now interpreted in a different manner, with a view to gain any undue or unfair advantage.

11. In the light of the above discussion, I am not in a position to offer any comments in so far as the unnumbered interlocutory application is concerned, at this stage. However, it would suffice to direct the learned II



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Additional Judge, Family Court, Chennai, to number the said interlocutory application and give time till 10.05.2026 to the petitioner/husband to file a counter to the said application and decide application on merits and in accordance with law on or before 15.06.2026. On the side of the petitioner, his evidence shall be completed, (including any further evidence) within a period of 8 weeks thereafter. The evidence of the respondent / wife shall be concluded, (including any additional evidence on her side) within a period of 8 weeks thereafter. The trial shall commence in the third week of June 2026, immediately on disposal of the said application for issuing Subpoena to Jananam Fertility Centre and within a period of 8 weeks, the evidence on side of the petitioner/husband including any additional evidence, shall be concluded. The respondent / wife shall cooperate for cross examining the witnesses on the side of the petitioner, without taking any undue or unnecessary adjournments. On conclusion of the evidence on the side of the petitioner, the respondent and any additional evidence on her side shall be concluded within a period of 8 weeks thereafter and equally, the petitioner shall cooperate for expedite conclusion of trial. Even in the event of the learned II Additional Judge, Family Court, Chennai, coming to the conclusion that the subpoena application has to be allowed, the trial shall not



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be stalled and shall continue simultaneously, H.M.O.P.No.4592 of 2023 shall be disposed of on or before 30.10.2026. These time lines will be subject to any interim orders that may be granted by this Court in any challenge that made by either of the parties to order passed in either I.A.No.9 of 2026 or the application to be numbered, viz., in subpoena application. It is made clear that the respondent / wife shall not seek for joint trial of the Maintenance case petition and Section 9 petition filed by her in 2026 and proceedings in H.M.O.P.No.4592 of 2023 shall be proceeded with independently.

12. In view of the above discussion, I am unable to hold that the respondent is guilty of having disobeying the orders of this Court and hence, this **Contempt Petition is dismissed**. The learned II Additional Judge, Family Court, Chennai, shall dispense with the physical presence of the petitioner as well as the respondent, unless and otherwise their presence is absolutely necessary for the purpose of their examination in chief and cross.

27.04.2026

LS

Note: Issue order copy on 30.04.2026

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P.B.BALAJI, J.

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To:

- 1.The II Additional Judge,
II Additional Family Court,
Chennai.
- 2.The Section Officer,
VR Section,
Madras High Court,
Chennai.

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27.04.2026