

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 20.08.2019

DELIVERED ON: 29.08.2019

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cont. P. D. No.75455 of 2019

H. Sumathi

Petitioner

vs.

Hon'ble Mr. L. Kingsley Christopher
Hon'ble III Additional Family Court Judge
Hon'ble III Additional Family Court
Hon'ble Madras High Court Campus
Chennai 600 104

Respondent

Contempt Petition filed under Section 12 of the Contempt of Courts Act, 1971, seeking initiation of contempt of Court proceedings as against the respondent for his wilful act of disobedience and disrespect to the order dated 23.08.2018 passed by this Court in Crl.O.P. No.21299 of 2017 under Sections 11 and 12 of the Contempt of Courts Act, 1971.

For petitioner Mr. R. Krishnamurthy

ORDER

It appears that Sumathi, the petitioner herein, had filed M.C. No.287 of 2006 under Section 125 Cr.P.C. against Harikrishnan, claiming maintenance and the said case was pending on the file of the III Additional Family Court, Chennai (for brevity "the Family Court"). Sumathi filed Crl.O.P. No.21299 of 2017 under Section 482 Cr.P.C. to direct the Family Court to expedite the trial in M.C. No.287 of 2006. When Crl.O.P. No.21299

of 2017 came up for hearing before this Court on 23.08.2018, there was no representation for Sumathi. However, this Court perused the records and disposed of the petition with the following directions on 23.08.2018:

“2. No representation for the petitioners. It is not known whether M.C.No.287 of 2006 has been disposed of finally by the III Additional Family Court, Chennai.

3. Therefore, this Court directs the III Additional Family Court, Chennai, to dispose of M.C.No.287 of 2006, if not already disposed of, within a period of six months from the date of receipt of a copy of this order, provided there is no other legal impediment.

With the above direction, this petition is disposed of.”

2 While that being so, Sumathi has filed the instant contempt petition seeking action against the Family Court Judge for not complying with the directions issued by this Court on 23.08.2018 in Crl.O.P. No.21299 of 2017, extracted supra.

3 The Registry entertained a doubt about the very maintainability of the contempt petition and therefore, the matter was posted under the caption “for maintainability”.

4 When the matter was listed on 16.08.2019, there was no representation for the petitioner and therefore, this Court directed the Registry to post the matter under the caption “for dismissal” on 20.08.2019. On 20.08.2019, when the matter was taken up for hearing, Mr.R. Krishnamurthy, learned counsel for the petitioner submitted that on

16.08.2019, he was in the Supreme Court and expressed apology for not being present before this Court. When this Court posed a question to him as to how this contempt petition is maintainable, he submitted that the Family Court Judge had failed to comply with the directions issued by this Court in Crl.O.P. No.21299 of 2017 and therefore, this contempt petition is maintainable. When this Court explained to him that since there is an Act called the Judges (Protection) Act, 1985, this contempt petition is not maintainable, he stated that recently, the Supreme Court had taken action against a former Judge and cited that as a precedent.

5 Mr. Krishnamurthy claims himself to be a practitioner in the Supreme Court as could be seen from the address given by him in the “address for service” column of this contempt petition. It is indeed very sad and unfortunate that an advocate who claims to practise in the Supreme Court, is unaware of the circumstances under which the Supreme Court had taken action in the case referred to by him and that cannot be cited as a precedent to take action against the Family Court Judge for not disposing of the case as directed by this Court. Whenever a Court subordinate to the High Court is unable to complete a case within the deadline set by the High Court, the concerned Judge would make a request for extension of time, which will be normally granted. In the opinion of this Court, this petition has been filed only to terrorise the Family Court Judge. We are conscious of the fact that though there are six Family Courts in Chennai, every Family

P.N. PRAKASH, J.

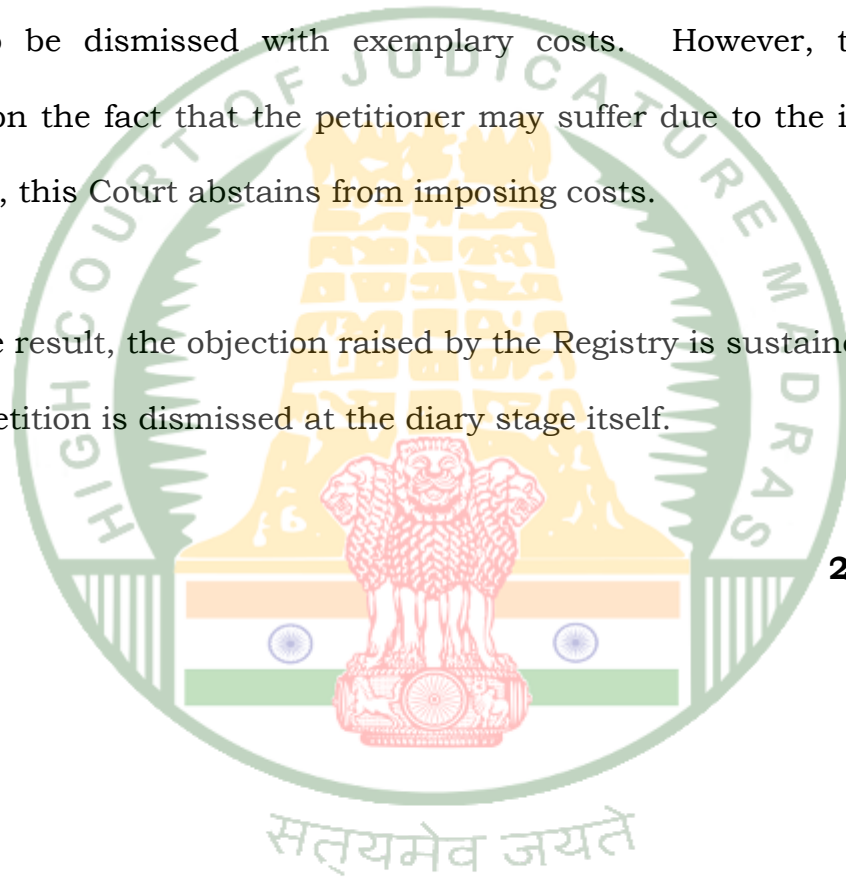
cad

Court is so overburdened with burgeoning matrimonial disputes that the Family Court Judges are under judicial suffocation. Hence, this petition deserves to be dismissed with exemplary costs. However, taking into consideration the fact that the petitioner may suffer due to the ill advice of her counsel, this Court abstains from imposing costs.

In the result, the objection raised by the Registry is sustained and this contempt petition is dismissed at the diary stage itself.

29.08.2019

cad



Cont. P. D. No.75455 of 2019

WEB COPY