

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.4536 of 2015

Mary Auxilium Shalini

.. Petitioner

Vs.

Kolandairaj Vincent @ G.Vincent Raj

.. Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, for the speedy disposal of the application in I.A.No.1375 of 2015 in I.A.No.2457 of 2009 in O.P.No.3101 of 2007 before recording evidence in O.P.No.3101 of 2007 on the file of the Principal Family Court, Chennai.

For Petitioner : Mrs.Sheila Jayaprakash

ORDER

Civil Revision Petition is filed seeking direction to the Principal Family Court, Chennai, to dispose of the application in I.A.No.1375 of 2015 in I.A.No.2457 of 2009 in O.P.No.3101 of 2007 pending on its file as expeditiously as possible on merits in accordance with law.

2.Learned counsel for the revision petitioner/wife submits that the husband/respondent herein has filed I.D.O.P.No.3101 of 2007 for divorce on the ground of cruelty. During pendency of the same, the revision petitioner/wife has filed an application in I.A.No.2457 of 2009 for interim maintenance. The trial Court by an order dated 23.04.2012, directed the husband to pay a sum of Rs.4,000/- per month to the wife as interim maintenance from the date of petition (i.e.) 18.06.2009 till the disposal of the main O.P. and also to pay a sum of Rs.5,000/- as litigation expenses. But the respondent/husband has paid only a sum of Rs.95,000/- to the revision petitioner/wife and he has to pay the balance sum of Rs.2,27,000/-. So the revision petitioner/wife was forced to file I.A.No.1375 of 2015 for dismissal of O.P.No.3107 of 2007 for non payment of arrears in interim maintenance amounting to Rs.2,27,000/-. The respondent/husband has filed a counter on 03.11.2015. She further submits that I.A.No.1375 of 2015 was posted on 05.11.2015 and subsequently, it was posted on 24.11.2015. Therefore, she has come forward with this revision praying early disposal of the said application.

3.Considering the limited nature of the relief as sought for herein, notice to the respondents is dispensed with.

4.In view of the submissions made by the learned counsel for the revision petitioner and on perusal of the typed set of papers, even though the trial Court by an order dated 23.04.2012 has directed the respondent/husband to pay a sum of Rs.4,000/- per month and Rs.5,000/- as litigation expenses, the respondent/husband had paid only a sum of Rs.95,000/- to the revision petitioner/wife and he has to pay the balance sum of Rs.2,27,000/-. So it is a fit case to give a direction to the trial Court to dispose of the application as early as possible. Accordingly, the learned Judge, Principal Family Court, Chennai, is directed to dispose of the application in I.A.No.1375 of 2015 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order, without disposing the main petition.

5.With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

01.12.2015

Index:Yes/No
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R.MALA,J.

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To

The Principal Family Court, Chennai.

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