

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED 09.12.2015****CORAM:****THE HONOURABLE MR.JUSTICE T.MATHIVANAN****C.R.P(MD)No.2624 of 2015(PD)**

G.Kannan .. Petitioner/Petitioner

Vs.

R.Antiha .. Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying for a direction for speedy disposal of the H.M.O.P.No.696 of 2014 pending on the file of the learned Family Judge, Madurai.

For Petitioners : Mr.A.S.Rajeswari

ORDER

Invoking the provisions of Article 227 of the Constitution of India, the petitioner has approached this Court with this Civil Revision Petition, seeking a direction to the Family Court Madurai to dispose of the matrimonial proceedings in H.M.O.P.No.696 of 2014 as expeditiously as possible preferably within a time, which may be fixed by this Court.

2. Heard M/s.A.S.Rajeswari, learned counsel appearing for the petitioner and perused the averments of the grounds of the Civil Revision Petition.

3.It is obvious to note here that the matrimonial proceedings in H.M.O.P.No.696 of 2014 has been filed by the petitioner on the file of the Family Court, Madurai under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, 1955 seeking the relief of divorce on the ground of cruelty and desertion. The respondent is yet to file her counter statement. It is also revealed that the respondent has also filed a maintenance case in M.C.No.275 of 2014 on the file of Mahila Court as against the petitioner herein seeking maintenance. Yet another petition in H.M.O.P.No.220 of 2014, has been filed jointly by the respondent as well as the petitioner to get mutual consent of decree of divorce on the file of the Family Court, Madurai.

4.M/s.A.S.Rajeswari, learned counsel appearing for the petitioner has submitted that the matrimonial proceedings in H.M.O.P.No.220 of 2014 has been filed under Section 13(B) of the Hindu Marriage Act, 1955 for getting divorce by mutual consent, as the parties to the petition have agreed to get consent decree of divorce and accordingly, the respondent has also filed a counter statement. She has also submitted that after receiving a sum of Rs.5 lakhs from the petitioner. But still the statutory period of six months is yet to be completed. She has also submitted that after receiving a sum of Rs.5 lakhs from the hands of the



petitioner, the respondent had deliberately filed a complaint in Crl.M.P.No.644 of 2015 on the file of the Mahila Court as against the petitioner.

5.In that application, according to the learned counsel, an order of interim maintenance was passed. Under these circumstances, the petitioner being the husband of the respondent has approached this Court with this petition seeking a direction to dispose of the matrimonial proceedings in H.M.O.P.No.696 of 2015 pending on the file of the Family Court, Madurai.

6.This Court has considered the submissions of the learned counsel appearing for the revision petitioner and perused the grounds of petition as well as the available materials on record. Having been considered to the submission made by the learned counsel and on considering the background facts of the case, this Court finds that a direction as sought for by the petitioner may be given as against the Family Court, Madurai.

7.Accordingly, this Civil Revision Petition is allowed. The Family Court Judge, Madurai is hereby directed to dispose the matrimonial proceedings in H.M.O.P.No.696 of 2014 as expeditiously as possible preferably, within a period of four months from the date of receipt of a copy of this order, without loss of further time. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Family Court, Madurai.

+1cc to Mr.A.S.RAJESWARI, Advocate Sr.No.70299

NS

AA/SKS-RR/22.12.2015/2p-3c

C.R.P (MD) No.2624 of 2015
09.12.2015