



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.476 of 2015 (PD)

WEB COPY

Suresh

... Revision Petitioner

vs.

Aushia

... Respondent

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Court, Nagercoil to dispose of I.D.O.P.No.187 of 2014 within the time as this Court fit and proper to be facts and circumstances of the case.

For Petitioner : Ms.A.Elis Chitra Devi

O R D E R

This civil revision petition is filed by the husband in the matrimonial dispute seeking a direction for speedy disposal of I.D.O.P.No.187 of 2014 on the file of the District Court, Nagercoil, within the time frame fixed by this Court.

2.From the 'B' diary extract, it is clear that the respondent was served on 04.07.2014 and it has been adjourned for filing of counter objection on the side of the respondent in the original petition. Till today, no counter has been filed in I.D.O.P.No.187 of 2014.

3.It is also stated by the learned counsel for the petitioner that another I.D.O.P.No.256 of 2014 was filed by the wife for restitution of conjugal rights, which is also pending before the same Court.

4.There is no memo filed or even any order passed for joint trial of both I.D.O.Ps. The petitioner herein has filed the counter in the other I.D.O.P. But in I.D.O.P.No.187 of 2014, counter is not yet filed.

5.In such circumstances, this Court is not in a position to give a direction to the District Court, Nagercoil to dispose of the I.D.O.P within the time frame. Unless, the respondent filed her counter in the main petition, no such direction can be given.

6.It is open to the petitioner to seek for joint trial in both the O.P before the appropriate Court. As the relief sought for by the petitioner is premature, the civil revision petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

The District Judge,
Nagercoil.

+1cc to Mr.A.Elischitra Devi, Advocate in SR.No.12443

sm:26.03.2015:1P/3C

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