

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.3521 of 2016
and
C.M.P.No.17877 of 2016

Koushalya

... Petitioner

vs.

Mukesh Jain

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the learned I Additional Principal Judge, Family Court, Chennai, to dispose of O.P.No.3852 of 2015 along with O.P.No.348 of 2011 and M.C.No.413 of 2007 within a time frame.

For Petitioner

: Ms.Koushalya
Party-in-Person

ORDER

The respondent initiated matrimonial proceedings before the Family Court at Jodhpur in O.P.No.268 of 2006. The petitioner moved the Hon'ble Supreme Court in Transfer Petition

(Civil) No.23 of 2015. The Hon'ble Supreme Court, by order dated 1 July, 2015, was pleased to withdraw the proceedings in O.P.No.268 of 2006 and transfer the same to the file of the First Additional Family Court at Chennai. The Transferee Court was requested to dispose of the matter as expeditiously as possible.

2. There are three proceedings pending before the First Additional Family Court at Chennai. They are O.P.No.3852 of 2015, which was transferred from the Family Court at Jodhpur pursuant to the order passed by the Hon'ble Supreme Court on 1 July, 2015 in Transfer Petition (Civil) No.23 of 2015. O.P.No.348 of 2011 filed by the petitioner for restitution of conjugal rights and M.C.No.413 of 2007 filed by her for interim maintenance.

3. It is the grievance of the petitioner that the respondent is trying his level best to drag on the matter. Since the Trial Court failed to take follow up action inspite of the observation made by the Hon'ble Supreme Court to fix an outer time limit for disposal of proceedings, the petitioner is before this Court.

4. In view of the limited relief claimed in the present Civil Revision Petition, I am of the view that there is no need to issue notice to the respondent, more particularly, on account of the observation made by the Hon'ble Supreme Court that the respondent did not appear inspite of service.

5. The learned First Additional Judge, Family Court at Chennai is directed to dispose of the proceedings in O.P.No.3852 of 2015, O.P.No.348 of 2011 and M.C.No.413 of 2007, on merits and as per law. Such exercise shall be completed on or before 30 April, 2017. It is made clear that no further extension would be given at any cost.

6. The Civil Revision Petition is disposed of, with the above direction. No costs. Connected Civil Miscellaneous Petition is closed.

16.11.2016

Index : yes / no

Internet :yes / no

asvm

K.K.SASIDHARAN, J.

(asvm)

To

The First Additional Judge,
Family Court,
Chennai.

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