

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

CRP [PD] No.83 of 2016
and CMP.No.413 of 2016

Major Frank Ralston Samuel Raj

.. Petitioner

Vs.

Kezia Padmini Swarnapandian

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the learned II Additional Family Court at Chennai to dispose of the IDOP.No.648 of 2009 within a stipulated time as framed by this Hon'ble Court by allowing the present Civil Revision Petition.

For Petitioner : Mr.N.Senthil Kumar

ORDER

The petitioner herein, who had filed IDOP.No.648 of 2009 on the file of the II Additional Family Court has come forward with a Civil Revision Petition before this Court seeking for a direction to the learned Judge concerned for earlier disposal of IDOP.No.648 of 2009.

2 The petitioner would state that he has filed petition for divorce in IDOP.No.648 of 2009 on the ground of cruelty and non-consummation of marriage. Resisting the allegations, the wife/respondent has also filed a counter in the said petition. The wife/respondent herein has also filed a petition in OP.No.3497 of 2015 before the learned II Principal Judge, Family Court, Chennai for restitution of conjugal rights. Both the cases were tried jointly. The divorce petition filed by the petitioner is pending before the Trial Court for the past six years and since the same has not been disposed of yet, the petitioner has approached this Court by way of filing the present revision petition.

3 Since the Civil Revision Petition is disposed of at the admission stage as the prayer sought for by the petitioner is limited in nature, notice to the respondent is hereby dispensed with.

4 Considering the argument advanced by the learned counsel for the petitioner and also perusal of the typed set of papers, this Court is of the view that the relief sought for by the petitioner is limited in nature and it is fit case to direct the Court concerned to dispose of the petitions in IDOP No.648/2009 and 3497/2015 as expeditiously as possible.

5 Accordingly, the Presiding Officer, II Additional Family Court, Chennai is directed to dispose of the cases in IDOP.No.648/2009 and OP.No.3497/2015 within a period of three months from the date of receipt of a copy of this order, after giving fair opportunity to both sides.

6 The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

12.01.2016

ds/AP

To:
The II Additional Judge,
Family Court, Chennai.

R.MALA, J.

ds/AP

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