

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.21933 of 2016

1. Tmt.Suneetha
2. Minor P.Tejashree
rep. by her mother and Natural Guardian ... Petitioners/Petitioners

Vs.

R.Premkumar ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to dispose of the M.C.265/2012 and HMOP.No.2281/2012 on the file of the III Additional Judge, Family Court at Chennai within the stipulated time that may be fixed by this Hon'ble Court.

For Petitioners : Mrs.K.Jamuna

O R D E R

This criminal original petition has been filed to dispose of M.C.265/2012 and HMOP.No.2281/2012 on the file of the III Additional Judge, Family Court at Chennai within a stipulated time.

2. Heard the learned counsel appearing for the petitioners.

3. Pursuant to the order dated 27.09.2016 passed by this Court, the Additional Judge No.III, Family Court has sent a report dated 18.10.2016, which reads as follows:

"It is humbly submitted that so far as M.C.No.265/2012 is concerned, the petitioner / wife has been examined in full and her side was closed and the case was posted for respondent's side evidence on 09.06.2016. There after the respondent took time for evidence and the said MC was adjourned to 29.06.2016, 21.07.2016, 03.08.2016, 30.08.2016, 27.09.2016 and 03.11.2016 for respondent side evidence. So

also in HMOP 2281/2012 is posted for the cross examination of petitioner / PW1 and the same stands posted to 03.11.2016. When the two cases viz M.C.No.262/2012 and HMOP 2281/2012 filed by wife is pending, the Husband / respondent has filed another HMOP 4827/2015 for restitution of conjugal rights. In that O.P for restitution of conjugal rights, the wife has not yet filed her counter and the said case stands posted to 03.11.2016 for filing of her counter. Without filing the counter, and without making the case ripe for trial, a comprehensive order or a judgment could not be rendered by this court and separate trials will not meet the ends of Justice. Hence the co-operation of both the petitioner and the respondent is very essential for the speedy disposal of the three litigations between the parties. Thus, I would humbly submit the aforesaid facts towards my explanation for the delay in disposal of the aforesaid cases. "

4. From a reading of the report, it appears that there are three cases, viz., HMOP No.2281 of 2012 and MC.No.265 of 2012 filed by the wife and HMOP.4827 of 2015 filed by the husband for restitution of conjugal rights. In the considered opinion of this Court, a proceedings under Section 125 Cr.P.C should not be unnecessarily delayed as it will defeat the very objective of the provisions. In a proceedings under Section 125 Cr.P.C., the scope of enquiry is very narrow as to whether wife has been neglected by the husband and whether she is entitled to maintenance. Of course, it is open to the trial Court to try HMOP.No.2281 of 2012 and HMOP.No.4827 of 2015 together, but it is not necessary to club MC.No.265 of 2012 with these two cases.

5. This Court directs the Additional Judge No.III, Family Court, to deal with M.C.No.265 of 2012 and complete the same within three months from the date of receipt of a copy of this order.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mk

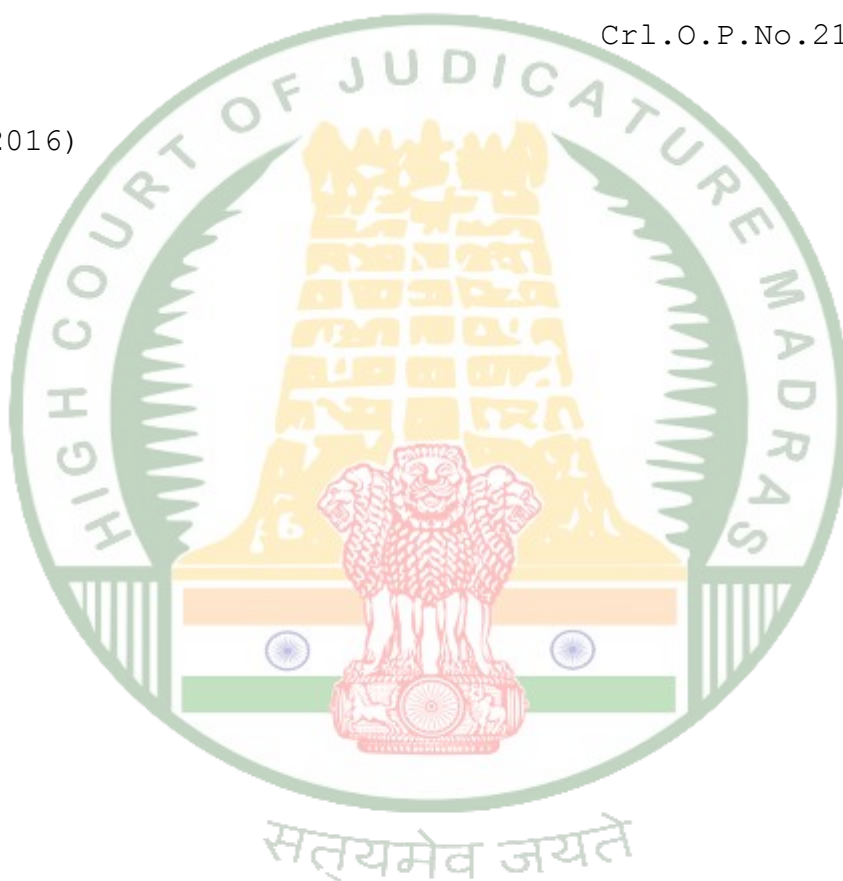
To

The III Additional Judge,
Family Court,
Chennai.

+2cc's to Mr.V.P.Premalatha, Advocate, S.R.No.60823

Crl.O.P.No.21933 of 2016

GJ II(CO)
CA(30/11/2016)



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