

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.25095 of 2016

D.Bhuvaneswari

... Petitioner

Vs

L.Karunanithi

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned II Additional Family Court, Chennai, to expedite the proceedings in M.C.No.114 of 2008 on the file of the II Additional Family Court, Chennai and conclude the same within the time frame that may be fixed by this Court.

For Petitioner : Mr.A.Ilaya Perumal

ORDER

The present criminal original petition has been filed seeking a direction to the learned II Additional Judge, Family Court, Chennai, to expedite the proceedings in M.C.No.114 of 2008 pending on his file and conclude the same within the time frame that may be fixed by this Court.

2. It is the case of the petitioner that while she was pregnant, she was driven out of her matrimonial home by her husband, the respondent herein. Since she has no source of income to maintain her and her children, she filed a maintenance case in M.C.No.114 of 2008 before the learned II Additional Judge, Family Court, Chennai, seeking a sum of Rs.3,000/- per month as maintenance. After perusal of the petition filed by the petitioner, the learned Judge, by order dated 9.8.2011, directed the respondent to pay a sum of Rs.2,000/- per month to the petitioner and her children on or before 5th of every English calendar month. Thereafter, the petitioner filed an execution petition, based on which, the learned Judge issued NBW warrant against the respondent. Thereafter, the respondent filed petitions to set aside the order dated 9.8.2011 and condone the delay of 837 days in filing a petition to set aside the said order. Both the petitions were allowed by the learned Judge.

Thereafter, the respondent is prolonging the proceedings. It is very difficult for the petitioner to spend the education expenses of her children. Hence, seeking early disposal of the maintenance case in M.C.No.114 of 2008, the petitioner has filed the present petition.

3. When the matter was taken up for hearing on 17.11.2016, this Court, directed the registry to call for a report from the learned II Additional Judge, Family Court, Chennai, as to the delay in disposal of the case in M.C.No.114 of 2008. The learned II Additional Judge, Family Court, Chennai, has sent a report dated 19.12.2016 to this Court, wherein, he has stated that both the petitioner and the respondent have delayed the proceedings and due to the non-cooperation of the parties, he could not able to dispose of the case in time.

4. Considering the facts and circumstances of the case and in view of the report filed by the learned II Additional Judge, Family Court, Chennai, to give a quietus, this Court directs the learned II Additional Judge, Family Court, Chennai, to dispose of the case in M.C.No.114 of 2008 pending on his file, within a period of four months from the date of receipt of a copy of this order. Both the petitioner and the respondent are directed to cooperate with the speedy disposal of the said case. The criminal original petition is disposed of accordingly.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

sbi

To

The II Additional Judge,
Family Court, Chennai.

1 cc to M/s.A. Ilayaperumal, Advocate, Sr. 75988

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MP (CO)
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