

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2113 of 2017

A.V.N.Satish

.. Petitioner

Vs.

A.Kalyani

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, directing the II Additional Family Court, Chennai, to dispose the petition in O.P.No.3437/2015, pending on its file as expeditiously as possible.

For Petitioner : Mr.R.Srinivas

ORDER

This Civil Revision Petition has been filed seeking a direction to the II Additional Family Court, Chennai, to dispose the petition in O.P.No.3437/2015 within the time limit fixed by this Court.

2. The petitioner is the husband and respondent is wife. The marriage between the petitioner and respondent was conducted on 01.07.2010 as per Hindu rites and customs. In the wed lock, a female child was born on 09.09.2011. Due to dispute, the respondent left the matrimonial home on 11.10.2013. The petitioner filed O.P.No.762 of 2014 on the file of the Family Court, Hyderabad, for divorce on the ground of cruelty. The respondent filed O.P.No.2741 of 2014 for restitution of conjugal rights and M.C.No.320 of 2014 for maintenance before the II Additional Family Court, Chennai and the same were pending. The respondent filed a petition before the Hon'ble Apex Court in Tr.O.P.No.193 of 2015 for transfer of O.P.No.762 of 2014 filed by the petitioner pending on the file of the Family Court, Hyderabad to the file of II Additional Family Court, Chennai and to try along with O.P.No.2741 of 2014 filed by the respondent. The Hon'ble Apex Court allowed the said Tr.O.P. and O.P.No.762 of 2014 on the file of the Family Court, Hyderabad, was transferred to II Additional Family Court, Chennai and renumbered as O.P.No.3437 of 2015 and the same is pending. Whiles, the respondent filed C.C.No.10713 of 2015 under Domestic Violence Act and the same is pending before learned V Metropolitan Magistrate, Egmore.

3. According to the petitioner, the petitioner is attending all the cases coming from Hyderabad from the year 2016 onwards. Whiles, on 10.01.2017, the respondent withdrew all the cases i.e., O.P.No.2741 of 2014 and M.C.No.320 of 2014 pending on the file of the II Additional Family Court, Chennai and C.C.No.10713 of 2015 pending on the file of learned V Metropolitan Magistrate, Egmore. Now in O.P.No.3437 of 2015 (O.P.No.762 of 2014) filed by the petitioner, the respondent is not appearing before the II Additional Family Court, Chennai. The II Additional Family Court, Chennai, is adjourning the O.P.No.3437 of 2015 filed by the petitioner, after getting transfer from Family Court, Hyderabad, from 11.07.2016 till date, without any hearing. In the circumstance, the petitioner has come out with the present civil revision petition for early disposal of O.P.No.3437 of 2015.

4. Heard the learned counsel appearing for the petitioner.

5. Having regard to the submissions made by the learned counsel for the petitioner, considering the limited prayer sought for in the civil revision petition, without expressing any opinion with regard to the merits of the matter, I direct the II Additional Family

Court, Chennai, to dispose O.P.No.3437 of 2015, on merits and in accordance with law, as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order.

6. The Civil Revision Petition is disposed of with the above direction. No costs.

30.06.2017

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Note:Issue order copy on 03.07.2017.

To

The IInd Additional Family Court
Chennai.

V.M.VELUMANI, J.

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