

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **02.03.2017**

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

CRP PD No.3630 of 2016
and
C.M.P.No.18517 of 2016

Thirumaran
rep.by his mother and power
of attorney Mrs.Kalaiarasi

..Petitioner

vs

Gayathri

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned II Additional Family Judge, Family Court, Chennai to dispose of the O.P.No.3180 of 2011 pending on its file, within a specified time frame, as may be fixed by this Court.

For Petitioner : Mr.C.V.Shyam Sundar

For Respondent : Mr.S.Haja Mohideen Gisthi

ORDER

The revision is filed praying for a direction to direct the learned II Additional Family Judge, Family Court, Chennai to dispose of the O.P.No.3180 of 2011 pending on its file, within a specified time frame, as may be fixed by this Court.

2. Heard both sides.

3. The learned counsel appearing for the petitioner/husband submitted that the matrimonial proceeding is pending before the Court below for the past more than six years without any progress. He further submitted that though the petitioner appeared on each and every date of hearing, the matter was kept on adjourned from time to time. It is also stated that earlier the respondent allowed the matter to be ex parte and thereafter filed an application to set aside the ex parte order and the same was also allowed on 10.08.2016. However, till date, the matter could not be disposed of because of the tendency of the respondent/wife. The case has been adjourned

without any progress from 2011 till today. The husband is residing in U.K and is represented by Power of Attorney with permission of Court. It is also stated that of the 21 hearings the respondent/wife absented herself for 14 hearing and refusing to co-operate in the disposal of the matter. It is also stated that an application seeking permission to examine the petitioner/husband through Video Conferencing is pending before the Family Court. Therefore, he prayed for the early disposal of the said petition.

4. The learned counsel appearing for the respondent/wife has expressed serious objection for allowing such a prayer of the petitioner/husband.

5. Having regard to the submissions made by either parties, the learned II Additional Principal Family Judge, Family Court, Chennai is directed to dispose of the application pending on its file at the earliest and proceed with the matter. It is further directed to dispose of the O.P.No.3180 of 2011 itself, within a period of three months from the date of receipt of a copy of this order and report to this Court.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

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vj2

Index: yes/No

Internet: yes

To

The II Additional Principal Family Judge

Family Court, Chennai.

PUSHPA SATHYANARAYANA,J.,

vj2

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