

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.778 of 2016 &

CMP No.4306 of 2016

J.Mariayyah

... Petitioner

vs.

Elizebeth Rani

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and final order dated 15.02.2016 made in O.P.No.4834 of 2013 on the file of Learned II Additional Judge, Family Court, Chennai.

For Petitioner : Mr.T.S.Rajmohan

For Respondent : Mrs.P.Lakshmi Narasimhan

ORDER

The petitioner, who is the husband of the respondent, has filed the above Civil Revision Petition to direct the II Additional Judge, Family Court, Chennai to dispose of the Original Petition in O.P.No.4834 of 2013 within a time frame.

2. The petitioner filed the Original Petition in O.P.No.4834 of 2013 for nullity of marriage. The respondent-wife filed her counter and is contesting the matter.

3. The learned counsel appearing for the petitioner submitted that in view of the long pendency of the matter, the petitioner is put to hardship and prejudice. Further, the learned counsel submitted that the trial of the matter has already commenced in the year 2015 and till date it has not reached the finality.

4. Countering the submissions made by the learned counsel for the petitioner, the learned counsel appearing for the respondent submitted that the respondent should be given full opportunity to cross examine the

petitioner's witnesses.

5. It is needless to say that all courts should give fullest opportunity to all the parties. However, that cannot be used as a ground for getting adjournment and dragging on the matter for an indefinite period.

6. The Original Petition in O.P.No.4834 of 2013 is pending for more than three years before the Family Court. In these circumstances, taking into consideration the limited prayer sought for in the Civil Revision Petition, without expressing any opinion with regard to the merits of the case, I direct the II Additional Judge, Family Court, Chennai to dispose of the Original Petition in O.P.No.4834 of 2013, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order and report the same to the Registry of this Court.

With this observation, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

14.03.2017

Note : Issue copy of the order by 17.03.2017

Rj

To

The II Additional Judge,
Family Court, Chennai

M. DURAISWAMY,J.,

Rj

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