



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1851 of 2017

B.Tharashankar : Petitioner/Petitioner/Petitioner

vs.

1.A.Gopalan

2.G.Padmavathi

: Respondents/Respondents/Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, praying for a direction to the learned Principal District Judge, Thanjavur to dispose of I.A.No.39 of 2016 in G.O.P.No.179 of 2015 within a stipulated as fixed by this Court.

For Petitioner : Mr.A.Senthil Kumar

ORDER

The above Civil Revision Petition has been filed seeking a direction to the learned Principal District Judge, Thanjavur to dispose of I.A.No.39 of 2016 in G.O.P.No.179 of 2015 within a stipulated as fixed by this Court.

2. The learned Counsel for the petitioner submitted that the petitioner has filed a petition in G.O.P.No.179 of 2015, seeking custody of his minor children from the hands of his in-laws. During the pendency of the petition, the petitioner filed an application in I.A.No.39 of 2016 seeking visitation right.

3. The case of the petitioner is that he married the daughter of the respondents on 09.06.2005 and two children were born to them on 07.05.2006 and 11.06.2009 at Thanjavur. The petitioner is an Engineer and is working at Chennai. The petitioner's wife was a house wife and the children are studying in 6th standard and 1st standard respectively. The petitioner's wife committed suicide on 13.09.2015 and a case was registered under Section 174 Cr.P.C. in Crime No.2327 of 2015. The petitioner would further submit that under mistaken apprehension and impression, the minor children were taken from the custody of the petitioner on 13.09.2015. The petitioner had allowed for the custody of the children to the respondents, as there was disturbed atmosphere. Taking advantage of the situation, the respondents are keeping the children with them and the efforts taken by the petitioner to meet his children are ended in vain. Therefore, the petitioner has filed the application in I.A.No.39 of 2016 seeking visitation of rights. The petition was filed on 20.04.2016 and it was posted for filing counter affidavit and then it was posted on 24.06.2016 and then it was periodically



adjourned and after the petitioner's side arguments are over, it was posted on 17.06.2017 and till date there is no progress. Hence, the petitioner has come before this with the above Civil Revision Petition.

4. Heard the learned Counsel for the petitioner and perused the materials available on record.

5. On a perusal of the records, it is seen that the matter has been continuously adjourned for the respondent's side arguments. Having regard to the submissions made by the learned Counsel for the petitioner and also taking into consideration the limited prayer sought for in this Civil Revision Petition, without expressing any opinion with regard to the merits of the case, this Court directs the Principal District Judge, Thanjavur to dispose of the application in I.A.No.39 of 2016 in G.O.P.No.179 of 2015 on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar

To

The Principal District Court,
Thanjavur.

+1cc to Mr.A.Senthil Kumar Advocate in SR. No. 84143

SSL/VSG

JS/SV.MMS/SAR.1/8.11.2017/2P-3C

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