



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(PD) (MD)No.1989 of 2017

Karthikeyan

... Petitioner

vs.

Narmada Nachiar

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to issue direction, directing the learned District Judge, Madurai to expedite the proceedings in HMCMA.No.7 of 2014 by fixing a time frame.

For Petitioner : Mr.K.R.Laxman

ORDER

This revision petition has been filed to issue a direction directing the learned District Judge, Madurai, to expedite the proceedings in HMCMA.No.7 of 2014 by fixing a time frame.

2.Learned counsel for the petitioner would aver that the petitioner filed a divorce petition in HMOP.No.234 of 2012 before the 1st Additional Sub Court at Melur and on 30.07.2014, wherein, a decree of divorce was granted, against which, the respondent filed appeal in HMCMA.No.7 of 2014 before the District Court, Madurai. It is further submitted that as far as matrimonial disputes are concerned, age of the parties plays vital role to avail the fruits of the decree. Though the appeal has been filed, there is no tenable ground to set aside the decree of divorce and it is only an attempt to drag on the proceedings and the appeal has been unnecessarily adjourned.

3.Learned counsel for the petitioner further contended that the respondent has also filed O.S.No.95 of 2015 for bare injunction restraining the petitioner herein to get married pending disposal of HMCMA.No.7 of 2014 and there is no order of stay granted in the said suit. The petitioner having succeeded in the divorce proceedings, is not able to avail the fruits of the decree due to pendency of above HMCMA and hence, prays for early disposal of the above appeal. It is further stated that at the time of filing the divorce petition, he was aged 34 years and now



he is aged 39 years and the delay in the appeal proceedings would certainly prejudice the life of the petitioner.

4. Since it is only a petition for early disposal of the appeal, no notice is necessary to the respondents.

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5. Considering the facts and circumstances of the case which involves matrimonial disputes and considering the age of the parties, this Court feels that ends of justice would be met by directing the Court below to dispose of the appeal within a time frame. Accordingly, the learned District Judge, Madurai, is directed to dispose of the appeal in HMCMA.No.7 of 2014 in accordance with law within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The District Judge,
Madurai.

+ 1 cc TO Mr.K.R.Laxman , Advocate in SR No. 85577

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AE/JC/SAR2/15.11.2017/2P/3C

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