



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2017

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THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P.(MD) No.2412 of 2017

Dr.M.C.Rajkumar

... Petitioner/Petitioner/Petitioner

-Vs-

Dr.Lakshmi Chithra

... Respondent/Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Additional Sub Court, Tirunelveli to dispose of the I.A.No.25 of 2016 in H.M.O.P.No.11 of 2016 within a time stipulated by this Court.

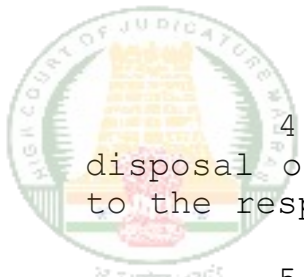
For Petitioner : Mr.R.Gandhi

O R D E R

This Civil Revision Petition has been filed seeking a direction to the Additional Sub Court, Tirunelveli to dispose of I.A.No.25 of 2016 in H.M.O.P.No.11 of 2016 within a time stipulated by this Court.

2.The learned counsel for the petitioner would aver among other things that the marriage between the petitioner and the respondent was solemnized on 15.11.2012 and out of the wedlock, the petitioner gave birth to a female baby on 28.04.2015. Both the petitioner and the respondent are Doctors by profession and misunderstanding arose between them. According to the petitioner, the respondent has deserted the petitioner and she has stayed in her parental house. The petitioner has filed H.M.O.P.No. 11 of 2016 on the file of the Additional Subordinate Court, Tirunelveli for divorce under Section 13(i)(ia) of Hindu Marriage Act and he has filed an Interlocutory Application in I.A.No.25 of 2016 claiming visitation rights of his child.

3. Though the petitioner has filed the Interlocutory Application, the respondent has not come forward with the reply. The respondent is not co-operating with the enquiry. The petitioner states that the Interlocutory Application is pending for a long time without any progress. Therefore, he has come forward with the present Civil Revision Petition for early disposal of the Interlocutory Application.



4. Since this Civil Revision Petition is filed for early disposal of the Interlocutory Application, no notice is necessary to the respondent herein.

5. Considering the facts and circumstances of the case and considering the fact that the Interlocutory Application is pending from the year 2016, this Court feels that ends of justice would be met by directing the Court below to dispose of the Interlocutory Application within a time frame. Without adverting to the merits of the case, a direction is issued to the learned Additional Sub Court, Tirunelveli, to dispose the Interlocutory Application in I.A.No.25 of 2016 in H.M.O.P.No.11 of 2016 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To,  
The Additional Subordinate Judge, Tirunelveli

+1CC to Mr.R.Gandhi, Advocate, SR.No. 92902

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13.12.2017

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