



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(PD) (MD)No.969 of 2018

P.Sathesh ... Petitioner/Petitioner

Vs.

M.Vetriselvi ... Respondent/Respondent

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India praying for a direction to the Family Judge, Madurai to expedite the trial in G.W.O.P.No.32 of 2016 on the file of the Family Court, Madurai and dispose the same within the time limit as stipulated by this Court.

For Petitioner : Mr.J.Sathish Kumar

O R D E R

The Civil Revision Petition is filed for a direction to the Family Court, Madurai to expedite the trial in G.W.O.P.No.32 of 2016 within the time limit as stipulated by this Court.

2. The marriage between the petitioner and the respondent was solemnised on 10.03.2006 as per Hindu Rites and Customs at Madurai and gave birth of two sons viz., Maheswar Pandian and Vigneshwar Pandian. Due to misunderstanding between them, they are living separately. The petitioner/husband has filed a petition in H.M.O.P.No.418 of 2012 before the Family Court, Madurai seeking divorce. During the pendency of the above said H.M.O.P.No.418 of 2012, he has also filed G.W.O.P.No.25 of 2014 before the Family Court, Madurai, seeking custody of his sons. During the pendency of both the petitions, a compromise arose between the petitioner and the respondent and as per the Compromise Memo filed by both the parties, the Family Court, Madurai has dissolved the marriage between them on 15.04.2016. Hence, the petitioner has also withdrawn the G.W.O.P.No.25 of 2014. Thereafter, the respondent/wife has violated the conditions of the compromise memo and from 16.04.2016, she had not permitted the petitioner/husband to take custody of his minor sons and she did not follow the terms and conditions of the compromise memo. Hence, the petitioner/husband has filed G.W.O.P.No.32 of 2016 before the Family Court, Madurai and the same is pending from 2016. Therefore, he has approached this Court by invoking the jurisdiction under Article 227 of the Constitution of India, seeking direction to the Family Court, Madurai to expedite the trial in G.W.O.P.No.32 of 2016.



3. I have heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.

4. Since the prayer sought for in the revision petition is only to expedite the trial in G.W.O.P.No.32 of 2016, no notice is necessary to the respondent.

5. Considering the nature of the prayer sought for in the Civil Revision Petition, this Court is inclined to pass the following order:

The Civil Revision Petition is disposed of with a direction to the learned Family Court Judge, Madurai to dispose of the G.W.O.P.No.32 of 2016 on day-to-day basis, without giving any adjournment to either parties, within a period of three months from the date of receipt of a copy of this order. Both the parties are also directed to give their fullest co-operation for early disposal of the G.W.O.P.No.32 of 2016 within the time limit fixed by this Court. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To
The Judge,
Family Court,
Madurai.

+1CC to Mr.J.Sathish Kumar, Advocate, SR.No. 63853

C.R.P. (PD) (MD) No.969 of 2018
27.04.2018

akv
AM/KKR/SAR 3/28.05.2018/2P/3C