



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.419 of 2018

R.Sivakumar

.. Petitioner / Petitioner

Vs.

C.Umarani

..Respondent /Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Judge, Family Court, Madurai to dispose of HMOP No.870 of 2015, within a time limit fixed by this Court.

For Petitioner : Mr.V.Om Prakash

ORDER

The Civil Revision Petition has been filed seeking a direction to the learned Judge, Family Court Madurai to dispose of HMOP. No.870 of 2015, within a stipulated time as fixed by this Court.

2. The petitioner has filed a petition for restitution of conjugal rights and the same was pending. During the pendency of the said HMOP petition the respondent has filed an I.A.No.153 of 2016 seeking the remedy of travelling expenses and the same was allowed on 08.11.2016. The petitioner would submit that from 29.11.2016 to till now, the petitioner has paid the travelling expenses. According to the petitioner, now the respondent is residing at Bangalore, in the house, which was purchased by the petitioner and the respondent deserted the petitioner without any reason and the petitioner is residing in private mansion as a paying guest. According to the petitioner, the respondent did not file any divorce petition as against the petitioner and dragging on the matter, despite receiving the travelling expenses and she is not co-operating for trial and the matter has been simply adjourned for 10 hearings and therefore, he has come up with this civil revision petition for the aforesaid prayer.

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



4. Since the case is for a limited relief of early disposal, no notice need be sent to the respondent.

5. A perusal of the 'B' Diary extract would go to show that as stated by the learned counsel for the petitioner, the case has been adjourned on several occasions without any valid reason. The petitioner has come up with this civil revision petition seeking a direction to dispose of the HMOP petition, considering the fact that the HMOP petition has been pending from 2015 onwards, this Court, without going into the merits of the allegation raised by the revision petitioner, is inclined to direct the Court below to dispose of HMOP No.870 of 2015, within a stipulated period.

6. In view of the above, the learned Judge, Family Court, Madurai, is directed to dispose of HMOP No.870 of 2015, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

7. The Civil Revision Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To
The Judge,
Family Court, Madurai.

+1CC to Mr.V.Om Prakash, Advocate, SR.No. 51805

C.R.P. (PD) (MD) No.419 of 2018
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