



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.2294 of 2017

A.S.Bilal ... Petitioner/Petitioner/Respondent
Vs.
A.Raisa Nasrin ... Respondent/Respondent/Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Family Judge, Sivagangai to number the unnumbered I.A. petition in G.W.O.P.No.1 of 2016, pending on the file of the Family Court, Sivagangai and dispose of the same within a stipulated time limit.

For Petitioner : Mr.S.Muthukrishnan

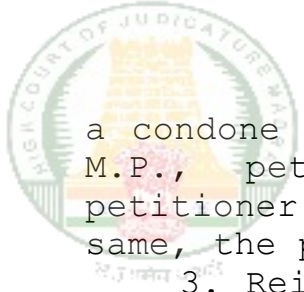
ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Judge, Family Court, Sivagangai to number the unnumbered M.P. petition in G.W.O.P.No.1 of 2016 and to dispose of the same, within a stipulated time limit.

2. The facts of the case, as averred in the affidavit, are as follows:

2.1. The Guardians and Wards Original Petition in G.W.O.P.No.1 of 2016 was filed by the petitioner herein, seeking custody of his Minor Girl Child, namely, B.Aisha Imaaya and for other reliefs. The said G.W.O.P., was posted for enquiry on various dates, viz., 09.02.2017, 20.02.2017, 01.03.2017, 07.03.2017, 16.03.2017, 23.03.2017 and lastly on 24.03.2017. Since the petitioner has not appeared even for one single day, the learned Judge has dismissed the petition for default.

2.2. It is the grievance of the petitioner, who was a practicing Advocate in Chennai, that his erstwhile Counsel did not inform him about the status of the case. By the time he came to know about this dismissal order, there was a delay of 118 days in filing a restoration petition. Therefore, the petitioner has filed



a condone delay petition in unnumbered M.P.No.--of 2017. The said M.P., petition was returned without numbering, since the petitioner has not filed the same in person. Aggrieved over the same, the present Civil Revision Petition came to be filed.

3. Reiterating the facts of the case, the learned Counsel for the petitioner would submit that the presence of the petitioner in representing the petition is unwarranted. The learned Judge ought to have numbered the petition, without insisting the presence of the petitioner. Therefore, he prays for allowing the present revision petition.

4. Heard the learned Counsel for the petitioner and perused the documents placed on record. Notice to the respondent is dispensed with.

5. A perusal of records would show that due to non-appearance of the petitioner at the time of filing of the said M.P., petition, the same was returned by the learned Judge.

6. It is a settled law that the parties have to be present before the Court for filing such type of petitions.

7. Therefore, the petitioner is hereby directed to present the papers, before the Family Court, Sivagangai, in person, as per the settled law, within a period of two weeks from the date of receipt of a copy of this order. On such filing, the learned Judge, Family Court, Sivagangai shall consider and dispose of the same, as expeditiously as possible, in the manner known to law.

8. With the above direction, this civil revision petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Family Court, Sivagangai.

+1cc to Mr.S.MUTHU KRISHNAN Advocate in SR. NO. 1293

GK

MV:GT:SAR2:01/02/2018/2P/3C

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