



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No.1349 of 2018

S.Saravanaraj .. Petitioner/Petitioner

Vs.

C. Nirmala .. Respondent/Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Judge, Family Court, Madurai, to expedite the trial in HMOP No.425 of 2017, within the time stipulated by this Court.

For Petitioner : Mr.S. Pakalavan

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Judge, Family Court, Madurai, to expedite the trial in HMOP No.425 of 2017, within the time stipulated by this Court.

2. The petitioner, who is the husband, has filed a petition in O.P No.4985 of 2014 before the I Additional Family Court, Chennai in which the respondent had filed a Tr.C.M.P.(MD) No.30 of 2017 before this Court to transfer the O.P. No. 4985 of 2014 from the file of I Additional Family Court, Chennai to the file of Family Court, Madurai and the Tr.C.M.P.(MD) No.30 of 2017 was allowed and directing the I Additional family Court, Chennai to transfer the records in H.M.O.P. No.4985 of 2014 to the file of the learned Judge, Family Court, Madurai and further directed the learned Judge, Family Court, Madurai to dispose of both HMOP No.4985 of 2014 and O.P.No.802 of 2016 which had been filed by the respondent before the Family Court, Madurai for restitution of Conjugal rights within a period of six months from the date of receipt of records from I Additional Family Court, Chennai. The H.M.O.P. No.4985 of 2014 has been numbered as H.M.O.P. No. 425 of 2017 which is pending before the Family Court, Madurai and the Family Court, Madurai had not disposed the same within six months. He would further submit that the petitioner regularly appeared before the Family Court, Madurai but the respondent did not appear



regularly. It is stated that the petition is filed in the year 2014 and the matter has been prolonged for a long time without any progress and that a direction may be given by this Court for an early disposal, in the interest of justice.

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

4. A perusal of the 'B' Diary extract would fortify the contentions made by the learned counsel for the petitioner.

5. The case has been adjourned on several occasions without any valid reason.

6. Therefore, 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 the HMOP No.425 of 2017, within the stipulated period.

7. In view of the above, the learned Judge, Family Court, Madurai, is directed to dispose of the HMOP No.425 of 2017, on merits and in accordance with law, within the period of two months, from the date of receipt of a copy of this order, after issuing notice to both the parties.

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

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Judge,
Family Court,
Madurai.

+1cc to Mr.S. Pakalavan, Advocate Sr.No.73057

KSA

VB/MMS/SAR4/06.08.2018/2P/3C

C.R.P. (MD) No.1349 of 2018
13.07.2018