



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.2360 of 2016

J.Babitha ... Petitioner/Respondent
Vs
P.Karthikeyan ... Respondent/ Petitioner

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records pertaining to the proceeding in G.W.O.P No.25 of 2016 pending on the file of the Family Court, Madurai and strike off the same as illegal.

For Petitioner : Mr.S.Malaikani

ORDER

The petitioner got married to one Jeyaprakash in the year 2009. A male child was born through the said wedlock. The petitioner's husband has passed away. But, the child appears to be in the custody of the respondent herein who is the brother of the petitioner's husband. The respondent has now filed GWOP.No.25 of 2016 before the Family Court, Madurai. To strike off the said GWOP, this civil revision petition has been filed. This Court is of the view that the matter deserves to be contested on merits. This was because, the petitioner is not having the child but the respondent is having the custody of the child.

2.Therefore, the Family Court, Madurai is directed to dispose of G.W.O.P No.25 of 2016 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the matter. This Civil Revision Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-III)

To



Copy to

The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Malaikani, Advocate Sr.No.84848

skm

VB/SKN/SAR3/09.10.2018/2P/5C

CRP (PD) (MD) No.2360 of 2016
14.09.2018