



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.404 of 2018

and

CMP (MD) No.1790 of 2018

WEB COPY

V.Chandrakumar

.. Petitioner / Petitioner

Vs.

Vijayarani

..Respondent /Respondent

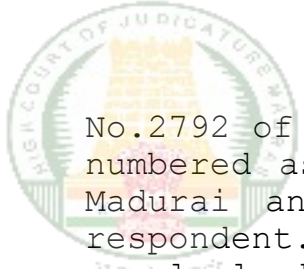
PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Judge, Family Court, Madurai, to dispose of SMOP No.1 of 2017, within a time limit fixed by this Court.

For Petitioner : Mr.R.Meenakshi Sundaram

ORDER

The Civil Revision Petition has been filed seeking a direction to the learned Judge, Family Court, Madurai to dispose of SMOP No.1 of 2017, within a stipulated time as fixed by this Court.

2. The petitioner would submit that the petitioner is aged about 65 years. The petitioner has married the respondent in the year 2013, after the demise of his first wife in the year 2008. The petitioner would further submit that he is also taking care of his aged father who is aged about 92 years old. According to the petitioner, he married the respondent only for the purpose of taking care of himself as well as his aged father, who is 92 years old. The respondent has introduced herself as if she was a divorcee without any issues and only in the year 2015, the petitioner came to know that the respondent had already married two persons and out of the first marriage, she begotten two children, which was dissolved before the Village Panchayat and secondly, she married one Mr.Vanakkam, who later deserted her. All these facts have been narrated in the maintenance petition, claiming maintenance from the second husband. Suppressing these material facts, regarding her first marriage and about her two children as well as the second marriage, the respondent deliberately cheated the petitioner. At one stage, the respondent had grabbed the movable and immovables of the petitioner forcibly with some henchmen and now the petitioner is living separately. Under such circumstances, the petitioner has filed a divorce petition in HMOP No.2792 of 2015 on the file of the Family Court, Chennai and thereafter, transfer application filed by the respondent and the same was allowed and subsequent thereto, HMOP



No.2792 of 2015 was transferred to the Family Court, Madurai and re-numbered as SMOP No.1 of 2017 on the file of the Family Court, Madurai and the same is now pending for filing counter by the respondent. The petitioner is appearing before the Court below regularly but the respondent does not choose to appear before the Court and she is purposely drag on the proceedings. The petitioner is a resident of Chennai, aged about 65 years and he is also taking care of his aged father, aged about 92 years and the petitioner was put to harassment both physically and mentally, because of the attitude of the respondent and therefore, the petitioner has filed the present petition seeking early disposal of the divorce petition.

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

4. The prayer in the petition itself is with a limited scope for speedy disposal of the divorce petition, no notice is necessary to the respondent in the present revision.

5. Considering the age of the petitioner and also considering the facts and circumstances of the case, this Court is of the view that the interest of justice would be sub-served, if a direction is issued to the learned Trial Court to dispose of SMOP No.1 of 2017.

6. In the result, the learned Judge, Family Court, Madurai, is directed to dispose of SMOP No.1 of 2017, 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. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Judge, Family Court,
Madurai.

+1cc to M/S.R.Meenakshi Sundaram, Advocate SR.No. 51787

C.R.P. (PD) (MD) No.404 of 2018