



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2019

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WEB COPY

THE HONOURABLE MRS. JUSTICE S. RAMATHILAGAM

C.R.P. [MD] No. 287 of 2019

S.C. Rajanish Babu : Petitioner/Petitioner

-Vs-

M.M. Divya : Respondent/Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Judge, Family Court, Madurai, to dispose of the petition in H.M.O.P. No. 893 of 2016, on the file of the Family Court, Madurai, within a time stipulated by this Court.

For Petitioner : Mr. A. Sivasubramanian

ORDER

This Civil Revision Petition has been filed by the petitioner/husband, to direct the learned Judge, Family Court, Madurai, to dispose of the petition in H.M.O.P. No. 893 of 2016, on the file of the Family Court, Madurai, within a time stipulated by this Court. The petitioner herein has filed a petition in H.M.O.P. No. 893 of 2016, seeking to grant divorce by dissolving the marriage, between the petitioner/husband and the respondent/wife.

2. The learned counsel appearing for the revision petitioner contended that the Family Court ought to have dispose the petition as early as possible. He further contended that the matter has been referred for counselling on many occasions, but, there is no result for compromise and that the process of compromise was going on one year, in the meanwhile, the respondent herein/wife is prolonging the issue, by way of filing petition for restitution of conjugal rights in H.M.O.P. No. 44 of 2017 and the same is pending for filing counter and hence, the instant Civil Revision Petition has been filed for speedy disposal of the H.M.O.P. No. 893 of 2016, pending on the file of the learned Judge, Family Court, Madurai. He further contended that, both the cases are stands in the stage of filing counter and if, the present petition is not allowed, serious prejudice would be caused to the petitioner herein and hence, the petition is liable to be allowed.

<https://hcservices.ecourts.gov.in/hcservices/>

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



4. The grievance of the petitioner is that the petitioner is aged about 30 years and he is ready to conduct the petition as early as possible. Both the petitioner/husband and respondent/wife are living separately, due to misunderstanding and the divorce petition has been filed by the petitioner herein, in the year 2016 and nearly for one year the Mediation proceeding was going for compromise, but, there was no result of compromise. The further grievance of the petitioner is that the long pendency of the present case will put to serious injustice and the same will destroy the future endeavors of petitioner/husband. The respondent herein/wife has also filed a petition for restitution of conjugal rights in H.M.O.P. No.893 of 2016, before the same Court.

5. Considering the facts and circumstances of the petition, the Civil Revision Petition is allowed. After filing counter in both the petitions, the learned Judge, Family Court, Madurai is directed to dispose of the H.M.O.P. No.893 of 2016 at earliest. No Costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

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To

The Judge,
Family Court,
Madurai.

+1CC to Mr.A.SIVASUBRAMANIAN , Advocate SR.No. 47308.

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