



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2019

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

C.R.P. (MD) No. 594 of 2019

Afrin Shehnaz Fathima
Through the maternal grandmother
and Power Attorney Shahjathi
K.Alla Pitchai

... Petitioner/Plaintiff

Vs.

Raja Hussain

... Respondent/Defendant

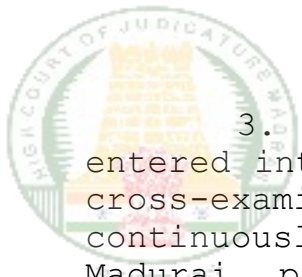
PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, directing the early disposal of O.S. No.30 of 2017 pending before the learned Judge, Family Court, Madurai, within the time stipulated by this Court.

For Petitioner : Ms.A. Hafiza

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Judge, Family Court, Madurai, to expedite the trial in O.S. No. 30 of 2017, within the time stipulated by this Court.

2.The petitioner herein is the minor plaintiff/daughter and the respondent is the defendant/father in O.S. No.30 of 2017 which is now pending before the Family Court, Madurai. The petitioner / minor plaintiff had filed the above said suit, as P.O.P. No. 1 of 2016, through her Custodian and Maternal Grand Mother, before the learned Judge, Family Court, Madurai against the defendant/father on 04.02.2016, seeking relief to direct the respondent /father to pay Rs.15 Lakhs (Rupees Fifteen Lakhs Only) towards the marriage expenses of the minor petitioner, Rs.2 Lakhs (Rupees Two Lakhs Only) towards her educational expenses and for other reliefs and by the continued absence of the respondent herein/defendant, the learned Judge, Family Court, declared the Plaintiff as indigent person and the O.S. No.30 of 2016 was converted as O.S. No.30 of 2017 on 06.07.2017.



3. Before the Trial Court, the respondent/defendant had entered into an appearance at the time when the suit was posted for cross-examination of D.W.1, the respondent herein/defendant was continuously absent, thereby, the learned Judge, Family Court, Madurai, passed an exparte order against the respondent/defendant. Subsequently, based on the petition filed by the respondent, the exparte order was set aside. In the meantime, the respondent had filed a petition before the learned Judge, Family Court, Madurai, for referring the dispute to Mediation and Conciliation Centre and now the process of Mediation is pending.

4. In the above said circumstances, the minor petitioner has approached this Court, under Article 226 of the Constitution of India, seeking relief to direct the learned Judge, Family Court, Madurai to dispose the said suit in O.S. No.30 of 2017, as early as possible. There is no dispute between the relationship of the plaintiff and the defendant.

5. Considering the period on which the suit was pending before the Family Court, Madurai and on perusal of the 'B' diary extract would reveals that the respondent herein was attempted to prolong the matter. The amount now specified in the prayer column is may be necessary for the future expenses of the minor petitioner. Since the petitioner's age is 17 years disposing the suit in a shorter period is very much necessary for her future life. Further, the guardian of the minor is her grandmother. In the said circumstances, if this suit is not disposed within a specified time, it will cause prejudice either to the minor plaintiff or to the guardian of the minor plaintiff. The reasons stated by the minor petitioner is very reasonable one. There is a merit in the Civil Revision Petition.

6. In the result,

(i). this Civil Revision Petition No.594 of 2019 is disposed of.

(ii). The learned Judge, Family Court, Madurai, is directed to dispose the O.S.No.30 of 2017, within a period of Six (6) months, from the date of a copy of receipt of this order, by conducting the trial on day-to-day basis, without giving unnecessary adjournments to either parties and the parties are directed to give their fullest cooperation for the early disposal of the suit. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)



To
The Judge,
Family Court,
Madurai.

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+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate in SR-57488

C.R.P. (MD) .No. 594 of 2009
27.03.2019

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