



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Fourteenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Ms.Justice P.T.ASHA

CMP(MD). No.7349 of 2019 in Tr.CMP(MD).NO.57 of 2019

Jenny Rose ... Petitioner/Petitioner

Vs

Hendry Prasanna ... Respondent/Respondent

Prayer in CMP(MD). No.7349 of 2019:-

This Petition is filed Under Section 151 of Civi Procedure Code praying to extent the time period as framed by this Honble Court in order dated 05.04.2019 passed in Tr CMP(MD)NO.57 of 2019 on the file of this Honble Court and pass such further or other orders as may deem fit and thus render justice.

Prayer in TR CMP(MD). 57/ 2019 :

This Petition is filed Under Section 24 of Civil Procedure Code praying to withdraw the I.D.O.P.No.60 of 2018 on the file of the Family Court, Cuddalore and transfer to Family Court, Tiruchirappalli filed by the petitioner.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof to extent the time period as framed by this Hon'ble Court in order dated 15.04.2019 and upon hearing the arguments of Mr.A.Sankara Ramasubramanian, Advocate for the Petitioner and of Mr. R.Senthil Kumar, Advocate for the respondent, this Court made the following

ORDER:

The above application has been filed by the petitioner in the Tr.C.M.P.(MD).No.57 of 2019 seeking an extension of time for disposing of the I.D.O.P.No.60 of 2018 pending on the file of the



First Additional District Judge, Family Court, Tiruchirapalli.

2. In the affidavit, that has been filed in support of the above application, the petitioner states as follows:

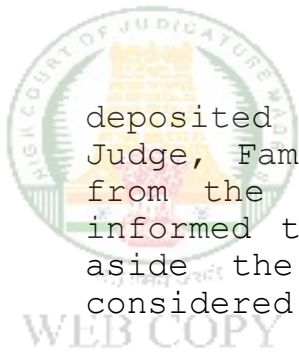
"Pursuant to the order the said I.D.O.P.No.60 of 2018 was transferred to the learned Judge, Family Court, Tiruchirapalli. After taken on the file of the learned Judge, Family Court, Tiruchirapalli proceed the case with expedite manner and adjourned the case on day to day basis. I am not willing to consent with the relief claimed by the respondent herein for seeking divorce, still I am ready to live with the respondent along with my child. For the welfare of future life of my child the assistance of my husband (respondent) is necessary. But, the learned Judge, Family Court, Tiruchirapalli not even given any proper opportunity to settle the issue arose between me and the respondent due to some misunderstanding during the matrimonial life. Because of the direction issued by this Hon'ble Court to dispose the I.D.O.P.No.60 of 2018 within six months.

6. I further submit that for the purpose to arriving amicable settlement between me and the respondent, the sufficient time period is necessary. Further, I am also having some witnesses along with documents to render fair justice in the case. Therefore, it is just and necessary to extent the time period fixed by this Hon'ble Court in order dated 15.04.2019 passed in Tr.C.M.P. (MD).No.57 of 2019."

3. When the Court had disposed of the Tr.C.M.P.(MD).No.57 of 2019, there was a direction given to the learned First Additional District Judge, Family Court, Tiruchirapalli to dispose of the application within a period of six months.

4. The learned First Additional District Judge, Family Court, Tiruchirapalli has addressed a letter to the Additional Registrar General of this Court, in which, he would state that despite the Court giving several opportunities to the respondent, who was the petitioner in Tr.C.M.P.(MD).No.57 of 2019, to file a counter, the respondent was taking time, from 12.06.2019 till 21.08.2019 and therefore, the Court was constrained to pass an ex-parte order in I.D.O.P.No.60 of 2018, on 06.09.2019.

5. The Transfer Civil Miscellaneous Petition had been filed at the behest of the wife and in the presence of the petitioner, order had been passed that the I.D.O.P.No.60 of 2018 should be disposed of within a period of six months. After getting the order, I.D.O.P.No.60 of 2018 was transferred to her convenience. The petitioner has deliberately refrained from participating in the proceedings. Therefore, this Court, while dismissing the petition for extension of time, deems it fit to impose the cost of Rs.5,000/- (Rupees Five Thousand only) on the petitioner. The said sum shall be



deposited by her to the credit of the First Additional District Judge, Family Court, Tiruchirapalli within a period of three weeks from the date of receipt of a copy of this order. It is also informed that the petitioner has filed an application for setting aside the ex-parte order. The said application shall not be considered until and unless the cost is deposited by the petitioner.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

TO

1.The Judge, Family Court, Cuddalore
2.The Judge, Family Court, Tiruchirappalli
Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.A.SANKARARAMASUBRAMANIYAN,ADVOCATE, SR.NO.91980

ORDER DATED : 14/10/2019
ORDER

CMP(MD). No.7349 of 2019
in Tr.CMP(MD).NO.57 of 2019

Giving direction and etc.
as stated within.

KK/SAR/01.11.2019/3P-5C/