



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P. (MD)No.1430 of 2019

WEB COPY

Sivapathasekaran

... Petitioner/1st Respondent

Vs.

1.V.Akkini
2.A.Rajammal

3.The In-charge Officer,
WIPRO Limited,
Medavakkam, Solinganallur,
Chennai.

4.The H.R.Manager,
WIPRO Limited-WIVIDUS,
Tower 4, 5th Floor ECI,
No.72, Electronic City,
Hosur Main Road,
Bangalore-560 100.

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Family Judge, Madurai to expedite the trial in G.W.O.P. No.10 of 2015 on its file, within a time frame as may be fixed by this Court.

For Petitioner : Mr.B.Anandan

ORDER

The petitioner is the first respondent in G.W.O.P.No.10 of 2015 on the file of the Family Court, Madurai. He has preferred this civil revision petition under Article 227 of Constitution of India praying to direct the Presiding Officer, Family Court, Madurai, to dispose of G.W.O.P.No.10 of 2015 in a time framed manner.

2.Before the Family Court, Madurai, the respondents 1 and 2 herein filed an application in G.W.O.P.No.10 of 2015 praying to appoint them as natural guardians to the Minor Mithra. Further they prayed to hand over the custody of minor Mithra to them. Apart from that, they prayed for the direction to direct the third and fourth respondents to deposit the death benefit of their daughter namely Jeyanthi in favour of minor Mithra or to deposit in Court.

3.In fact, the said petition has been filed in the year of 2015. So it could be said that the petition is a long pending one.
<https://hcservices.ecourts.gov.in/hcservices/>



Further, on going through the copy of the 'B' diary enclosed along with the petition, it reveals the fact that from the month of February 2017 onwards, the case is posted for both side arguments and thereafter nearly about 26 times, till January 2019, the said petition had been adjourned again and again for arguments. Thereafter, from the month of February, 2019 the said petition is kept pending with the said Family Court for orders and till date, the order has not been pronounced by the Presiding Officer, more than that from the month of August 2019 onwards, the said case has been posted for appearance of the parties.

4.I do not know, if the case is reserved for orders, what necessitated the Court below to direct the parties to appear before the Court. Further it is the duty of the Presiding Officer to pronounce the order immediately within 15 days from the date on which the case was reserved for pronouncing order. In this case, the said procedure has not been followed by the Presiding Officer. In fact, the procedure adopted by the Presiding Officer is not within the procedure laid down in the CPC. Therefore, the Registry is directed to call for the remarks from the Presiding Officer, Family Court, Madurai, in respect to the delay for pronouncing the order and also about the necessity to adjourn the case for appearance of parties. In fact, the said procedure adopted by the Presiding Officer will cause much inconvenience to either side parties.

5.Hence, this Court directs the Presiding Officer, Family Court, Madurai, to dispose of the petition in G.W.O.P.No.10 of 2015 within one month from the date of receipt of a copy of this order.

6.With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Cp

To
The Judge, Family Court, Madurai.

+1 CC to Mr.B.ANANDAN, Advocate SR-83085.