



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD) .No.1447 of 2019

C.Vinod

... Petitioner/ Petitioner

Vs.

Gayathri alias Shakila Banu

... Respondent / Respondent

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to direct the learned Principal District Court, Thanjavur to dispose the case in G.W.O.P.No.157 of 2016 pending on his file within a stipulated time.

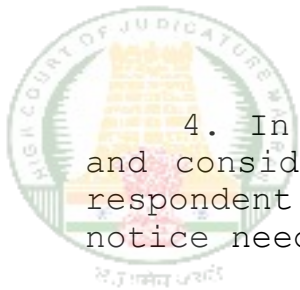
For petitioner : Mr.P.Arun Jayatram

ORDER

This civil revision petition has been filed by the petitioner seeking a direction to the learned Principal District Judge, Thanjavur, to dispose the case in G.W.O.P.No.157 of 2016 pending on his file within a stipulated time.

2. The learned counsel for the petitioner submitted that the marriage between petitioner and the respondent was solemnized on 15.02.2009 and due to the wedlock, a male child was born on 28.12.2009. Due to difference of opinion between the petitioner and the respondent, they are separated and the child is with the custody of the respondent. In this circumstance, the petitioner filed G.W.O.P.No.157 of 2016 for the relief of directing the respondent to give the custody of the child to the petitioner. The grievance of the petitioner is that more than 28 hearings, the petitioner appeared before the Court below for cross examination by the learned counsel for the respondent, so far he has not been cross examined. The learned Judge has not proceeded the matter and granted frequent adjournments. The further grievance of the petitioner is that in view of the non disposal of the G.W.O.P., the petitioner deprived right to get custody of his child, namely, Anush Vinod. Hence, he has filed this revision petition seeking a direction for early disposal of the said petition.

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



4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondent by ordering this petition, this Court is of the view that notice need not be sent to the respondent.

5. Considering the facts and circumstances of the case and also considering the fact that the petition in G.W.O.P.No.157 of 2016 is of the year 2016, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame. Without advertting to the merits of the case, a direction is issued to the learned Principal District Judge, Thanjavur to dispose the case in G.W.O.P.No.157 of 2016 on merits and in accordance with law, within a period of six months 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 (AS)

// True Copy //

Sub Assistant Registrar

To

The Principal District Judge,
Thanjavur.

Copy to:

The Record Keeper, (2 COPIES)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.ARUN JAYATRAM, Advocate (SR-84017[F] dated 28/08/2019)

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