

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.747 of 2020
and
C.M.P.No.3954 of 2020

A.Maria Anthony Merlin Mary ..Petitioner/Petitioner/
Respondent
Vs.

J.Sebastian @ Maria Sebastian ...Respondent/Respondent/
Petitioner

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the stay of the enquiry proceedings dated 22.11.2019, passed in I.A.No.4538 of 2018 in I.D.O.P.No.972 of 2018, on the file of the learned II Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr.S.Vijay Anand

ORDER

Present revision has been filed to set aside the stay of the enquiry proceedings dated 22.11.2019, passed in I.A.No.4538 of 2018 in I.D.O.P.No.972 of 2018, pending on the file of the learned II Additional Principal Judge, Family Court, Chennai.

2. The petitioner is the wife and the respondent is the husband. Respondent/husband has filed a petition for divorce under the Indian Divorce Act, 1869. Pending trial, the petitioner/wife filed an application in I.A.No.4538 of 2018 in the year 2018 seeking interim maintenance. That application is still pending disposal. In the meantime, the respondent/husband filed an application in I.A.No.1 of 2019, seeking to implead a third party the alleged adulterer. Pending application, the trial Court granted stay of the enquiry of maintenance petition. Challenging the same the present revision has been filed.

3. Learned counsel appearing for the petitioner submitted that as the application for interim maintenance is pending from the year 2018, the stay of enquiry may be set aside and the

interim maintenance application may be disposed of within a time frame.

4. In the above circumstances, as the petition seeking maintenance is pending from the year 2018, the learned II Additional Principal Judge, Family Court, Chennai is directed to dispose of the interim maintenance application in I.A.No.4538 of 2018 in I.D.O.P.No.972 of 2018 and the implead application in I.A.No.1 of 2019 in I.D.O.P.No.972 of 2018, on merits and in accordance with law, after giving opportunity to both the parties, within a period of two months from the date of receipt of a copy of this order. The revision is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.S.III)

/True Copy/

Sub Assistant Registrar

To

The II Additional Principal Judge,
Family Court, Chennai.

+2cc to Mr.S.Vijay Anand, Advocate Sr.No.14482

AKM/25.02.2020/2P-4C /

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