

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2020

Coram

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.24930 of 2019

Lavanya

D/o.Sabu George

...Petitioner

-vs

Sabu George Thomas

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to direct the IV Additional Principal Judge, Family Court, Chennai to dispose M.C. No.552 of 2008 pending on his file, which was filed under Section 125 CRPC for claiming maintenance.

For Petitioner : No appearance

For Respondent : No appearance

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed for a direction to the learned IV Additional Principal Judge, Family Court, Chennai to dispose the M.C. No.552 of 2008 which is the maintenance claim petition, within a time frame, as stipulated by this Court.

2. Despite repeated adjournments, there was no representation on either side.

3. The petitioner herein was a Minor through her guardian, i.e. her mother filed a petition under Section 125 CRPC before the Family Court, Chennai in the year 2008 claiming maintenance from the respondent, i.e., her father and as of now, the same was kept pending. In otherwise, keeping this type of petition for a period of twelve years is nothing but an atrocious one. I do not know what had happened for the past several years, if this kind of attitude continued in the Judiciary, definitely, the people will lose the faith on the Judiciary. In otherwise, whether the petitioner is eligible for getting maintenance or not has to be decided only during the time of trial. Therefore, this Court is not in a position to make any observations in

respect of the relationship between the petitioner and the respondent and also about the eligibility claimed by the petitioner in the aforesaid maintenance petition. It is the duty vested upon the Presiding Officer to dispose of these type of applications, without any delay. In fact, speedy trial is a part of Article 21 of the Constitution. But the instant case is kept pending without any sufficient cause.

4. Therefore, this Court feels that an appropriate direction to be issued to the learned Judge, Family Court, Chennai, within a time frame to be stipulated by this Court.

5. Accordingly, the learned IV Additional Principal Judge, Family Court, is directed to dispose of the petition mentioned Maintenance Claim, i.e. M.C. No.552 of 2008, within a period of three months from the date of receipt of a copy of this order, after providing sufficient opportunity to both sides. Further, the learned Judge, is directed to file the compliance report before this Court, immediately after disposal of the aforesaid case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The IV Additional Principal Judge,
Family Court, Chennai

Cr1.O.P.No.24930 of 2019

BR(CO)
RV(06/11/2020)