



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P (MD)No.1022 of 2020

Rajarajeswari

...Petitioner/Petitioner

Vs.

Sivaramasubramanian

..Respondent/Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Family Court, Madurai to dispose of H.M.O.P.No.1117 of 2018 on its file as expeditiously as possible and within the time stipulated by this Court.

For Petitioner : Mr.A.R.Kannappan

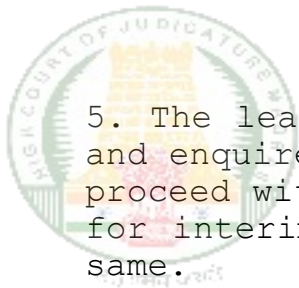
O R D E R

The petitioner in H.M.O.P.No.1117 of 2018 on the file of the Family Court, Madurai has approached this Court for an expeditious disposal of the petition seeking dissolution of marriage.

2. The learned counsel for the petitioner submitted that the respondent/husband of the revision petitioner has not even filed counter for two years, instead, the respondent has filed a petition seeking interim custody of a minor daughter, who is now under the custody of the revision petitioner.

3. There are two aspects to the submissions. First, filing counter and proceeding with the main case is paramount, while a petition for interim custody is taken up.

4. After all, the prayer sought in the litigation is dissolution of marriage and now the custody of the child per se therefore, this Court directs the learned Family Judge to appreciate the issues involved both in H.M.O.P.No.1117 of 2018 and I.A.No.734 of 2019 seeking interim custody. This Court, at a last, understands how pendency of an interlocutory application seeking interim custody is nothing to do with the respondent filing his defence in a petition for dissolution of marriage.



5. The learned Trial Judge is required to bestow his best attention and enquire with the litigation without any further loss of time and proceed with the trial of the case parallely along with his petition for interim custody since the cause of action for both are not the same.

6. In fine, this petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

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To

1.The Judge,
Family Court, Madurai

+1cc to Mr.A.R.Kannappan, Advocate Sr.NO.25178

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CK (CO)

NR (04/01/2020) 2P : 3C