

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CRP. (PD) No. 1459 of 2021

Karthik Ramakrishnan

... Petitioner

Vs

Prabha Karthik @ Subhalakshmi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition by fixing a time frame and directing the Hon'ble I Additional Family Court, Chennai to dispose off I.A. No.1 of 2020 in O.P. No.4393/2019 within a time frame.

For Petitioner

: Mr. A.K.Sriram

For Respondent

: Mrs. Sumitha Chakravarthi

O R D E R

This petition is filed for fixing a time frame for disposing of I.A. no.1 of 2020 in O.P. No.4393 of 2019.

2. I.A. No.1 of 2020 is filed under Section 26 of the Hindu Marriage

Act, directing the respondent to hand over custody of the minor child Ishaan to the petitioner pending disposal of O.P. No.439 of 2019.

3. This Court, by its order dated 28.07.2021, directed the Registry to obtain a report from the learned VI Additional Family Court, Chennai, as to the time schedule within which he/she proposes to dispose of I.A. No.1 of 2020 in O.P. No.4393 of 2019. In pursuance of this direction, a report has been received from learned VI Principal Family Court, Chennai, wherein it is reported that the learned Judge shall take all efforts to dispose of the I.A. No.1 of 2020, within a period of four months and he prayed four months times to dispose of the Interlocutory Application.

4. The learned counsel for the respondent strongly oppose the issuance of a direction to the learned VI Additional Family Judge, Chennai, for disposing this petition within a time fixed for the reason that, as per Section 26 of Hindu marriage Act, the issue with regard to grant of custody to the children can be considered only at the time of passing the decree, that is, at the conclusion of the enquiry and not before that. However, this Court, considering the limited scope of this civil revision petition, is not willing to go into the matter on merits, leaving this issue open to be decided by the learned VI Additional Family Court, Chennai.

5. In view of the report filed by the VI Additional Family Court, this Court directs the learned VI Family Court, Chennai, to dispose of the I.A. No.1 of 2020 in O.P. No.4393 of 2019, within a period of four months from the date of receipt of a copy of this order. Accordingly, this civil revision petition is ordered. No costs.

06.08.2021

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To

The I Additional Family Court, Chennai.



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G.CHANDRASEKHARAN. J.,

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