



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.77 and 78 of 2021

CRP(MD) .No.77 of 2021

A.S.Sivakumar

... Petitioner/Petitioner

-Vs-

S.Kalaiselvi

...Respondent/Respondent

Prayer in CRP(MD) .No.77 of 2021: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Family Court, Madurai to dispose of the divorce petition in H.M.O.P.No.370 of 2014 on the file of the Family Court, Madurai within a time limit that may be fixed by this Court.

CRP(MD) .No.78 of 2021

A.S.Sivakumar

... Petitioner/Respondent

-Vs-

S.Kalaiselvi

...Respondent/Petitioner

Prayer in CRP(MD) .No.78 of 2021: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Family Court, Madurai to dispose of the petition for restitution of conjugal rights in H.M.O.P.No.605 of 2015 on the file of the Family Court, Madurai within a time limit that may be fixed by this Court.

For Petitioner : Mr.J.Barathan
for Mr.T.R.Jeyapalam
(in both Civil Revision Petitions)



O R D E R

These Civil Revision Petitions have been filed by the revision petitioner seeking a direction to the learned Judge, Family Court, Madurai, to dispose of the cases in H.M.O.P.Nos.370 of 2014 and 605 of 2015 on the file of the Family Court, Madurai, within the time stipulated by this Court.

2. The learned counsel for the revision petitioner would submit that the revision petitioner has filed a divorce petition in H.M.O.P.No.370 of 2014, on the file of the Family Court, Madurai and the respondent/wife has filed a petition for restitution of conjugal rights in H.M.O.P.No.605 of 2015, on the file of the Family Court, Madurai. It is further submitted that on 15.09.2020, at the instigation of the respondent/wife, her brother and other family members had brutally attacked the revision petitioner and his parents with deadly weapons, in the result of which, the revision petitioner's father died on the spot. In this regard, a case in Crime No.1747 of 2020 has been registered in Austinpatti Police Station against the respondent/wife and her family members, for the offences punishable under Sections 302, 324, 506(ii), 147, 148, 115, 120(b) and 212 of the Indian Penal Code. In the said criminal case, the brother of the respondent/wife is the first accused; the respondent/wife is the seventh accused and the mother of the respondent is the eighth accused.

3. The grievance of the revision petitioner is that, since the criminal case is pending against the respondent/wife and her family members, there is a threat to his life and liberty and hence, the petitioner has filed these revision petitions before this Court for getting speedy disposal of H.M.O.P.No.370 of 2014 and H.M.O.P.No.605 of 2015.

4. Since these Civil Revision Petitions are filed for early disposal of the above said petitions, no notice is necessary to the respondent herein.

5. Admittedly, the respondent has filed H.M.O.P.No.605 of 2015 for restitution of conjugal rights which is pending before the same Court where the petition for divorce filed by the petitioner in H.M.O.P.No.370 of 2014 is pending from 2014 onwards. So it will be appropriate if both the cases namely, H.M.O.P.No.370 of 2014 filed by the petitioner and H.M.O.P.No.605 of 2015 filed by the respondent are heard together. Considering the facts and circumstances of the case, without adverting to the merits of the case, the learned Judge, Family Court, Madurai, is directed to dispose of both the cases in H.M.O.P.Nos.370 of 2014 and 605 of 2015, within a period of four months from the date of receipt of a copy of this order.



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6. With the above direction, these Civil Revision Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Judge, Family Court,
Madurai.

2. The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T.R.JEYAPALAM, Advocate (SR-2332[F] dated
29/01/2021)

C.R.P. (MD) No.77 and 78 of 2021
27.01.2021

KM (12.02.2021) 3P 4C