



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.393 of 2021

Kiruba Nancie

... Petitioner/petitioner

vs.

Barnabas Lourdusamy

... Respondent/Respondent

Petition filed under Article 227 of the Constitution of India, to direct the lower court/1st Additional District Court, Madurai, for expeditious disposal of IDOP.No.3/2017 on the file of the 1st Additional District Judge, Madurai, within a stipulated time.

For Petitioner : Mr.R.V.Rajkumar

ORDER

The above revision petition has been filed for a direction to direct the 1st Additional District Judge, Madurai, for expeditious disposal of IDOP.No.3/2017 on the file of the 1st Additional District Judge, Madurai, within a stipulated time.

2.The learned counsel for the petitioner would contend that the marriage between the petitioner and the respondent was solemnized on 25.06.2007 and out of the wedlock, a male child was born on 29.05.2009. Due to matrimonial disputes, the petitioner/wife filed IDOP.No.3/2017 before the 1st Additional District Judge, Madurai, for divorce and the respondent/husband filed IDOP.No.15/2017 for restitution of conjugal rights. After taking adjournments for 9 months, the respondent has filed counter in the petitioner's divorce petition. After completion of cross examination of PW1 in the divorce petition, the respondent filed Tr.CMP(MD)No.402/2018 and obtained stay and thereafter, by order dated 11.01.2019, this Court dismissed the said transfer petition. Subsequently, when the matter was posted for respondent's side evidence, on four occasions, the respondent filed change of vakalat and prolonged the proceedings and thereafter filed I.A.No.189/2019 to reopen the evidence of PW1 which was later-on dismissed on merits. In view of the above delaying tactics adopted by the respondent, the petitioner has sought for expeditious disposal of IDOP.No.3/2017.

3.Since it is only a petition for early disposal of the case and since no adverse order is going to be passed against the respondent, notice to him is not necessary.

4.Considering the facts and circumstances of the case where IDOP.No.3/2017 is pending from 2017 onwards, ends of justice would be met by directing the Court below to dispose of the case within a time frame. Accordingly, the learned 1st Additional District Judge, Madurai, is directed to dispose of IDOP.No.3/2017 in accordance with law, within a period of four months from the date of receipt of a



copy of this order.

5. With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (AS)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The 1st Additional District Judge,
Madurai.

Copy to

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

+1 CC to M/s.R.V.RAJKUMAR, Advocate (SR-8847[F] dated 04/03/2021)

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SSS(CO)

KB(17.04.2021) 2P 4C