



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P(MD).No. 709 of 2021

WEB COPY

K. Dharmaraja : Petitioner / petitioner
Vs.
Sivadevi : Respondent / Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Judge, Family Court, Madurai to dispose of the above HMOP.No. 810 of 2017 pending on his file within the time stipulated by this Court.

For petitioner : Ms. C.R. Ponnuthai

ORDER

This revision has been filed seeking a direction to dispose of the petition in HMOP.No. 810 of 2017 on the file of the Family Court, Madurai, within a specified time fixed by this Court.

2. It is evident from the records that the petitioner / husband has filed a petition in HMOP.No. 810 of 2017 against the respondent / wife claiming divorce on the ground of cruelty.

3. The learned counsel appearing for the revision petitioner would submit that the revision petitioner has already filed a petition in HMOP.No. 358 of 2012 before the Family Court, Madurai, for restitution of conjugal rights, that after filing of the said petition the respondent has returned to the matrimonial life and that therefore, the petitioner was constrained to withdraw the petition in HMOP.No.358 of 2012.

4. The main contention of the revision petitioner is that the above petition for divorce is pending for the past more than four years, that the respondent by filing petition after petition has been protracting the proceedings purposely and that therefore, the above said case has to be expedited.

5. The fact remains that the HMOP.No. 810 of 2017 was filed in the year 2017 for divorce . The High Court has already issued Circulars to the District Judiciary directing the Courts to give priority for the cases relating to the Senior Citizens, HIV affected persons, Defence personnel, women and children etc., The revision petitioner without approaching the trial Court has directly approached this Court. In the absence of total pendency particulars and the work burden of that particular Court, this Court is not



inclined to give any direction to dispose of the case within the specified period of time.

6. No doubt, the trial Court is required to give priority to the cases, as per the Circulars of the High Court. The revision petitioner is at liberty to approach the trial Court and if such requisition for early trial is made, the learned Judge is directed to consider the same in the light of the Circulars issued by this Court for early trial.

7. With the above observation and direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Presiding Judge,
Family Court,
Madurai

C.R.P (MD) .No. 709 of 2021
22.04.2021

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