



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 05.07.2021

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P(PD) (MD) .No.940 of 2021

Lakshmi
D/o.R.Karmegam : Petitioner

Vs.

Balaraveendran
S/o.Shanmugavel : Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Family Court, Madurai to dispose of the petition in H.M.O.P.No.746 of 2019 on the file of the Family Court, Madurai within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Natarajan

ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of petition in H.M.O.P.No.746 of 2019 on the file of the Family Court, Madurai, within a specified time fixed by this Court.

2. Admittedly, the marriage between the petitioner and the respondent was solemnized on 22.02.2007. It is evident from the records that the revision petitioner / wife has filed a petition in H.M.O.P.No.746 of 2019 against the respondent / husband before the Family Court, Madurai, claiming divorce on the ground of cruelty and desertion. The learned counsel for the petitioner would submit that though the Court notice was served on the respondent in February 2019, the respondent has not filed the counter statement till now and that he is not co-operating to conduct the case and wilfully dragging on the proceedings.

3.The main contention of the revision petitioner is that she filed a petition for divorce in H.M.O.P.No.746 of 2019 before the Family Court Madurai, that the petition is pending for the past 1-1/2 years without any progress, that the respondent has been protracting the proceedings purposefully and that therefore, the above said case has to be expedited.



4. The fact remains that the petition in H.M.O.P.No.746 of 2019 was filed in the year 2019 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. It is pertinent to note that the revision petitioner without approaching the trial Court has directly approached this Court with the above petition for speedy disposal. 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.

5. However, 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 disposal of the case is made, the learned trial Judge is directed to consider the same, in the light of the circulars issued by this Court.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Judge, Family Court, Madurai.

+1 CC to M/s.M.NATARAJAN, Advocate (SR-21409[F] dated 06/07/2021)

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SSS(CO)

TR(13.07.2021) 2P 3C