



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 20.10.2021.

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. (PD) (MD) No.1512 of 2021

K.Manikandan

Petitioner/Petitioner/Petitioner

vs.

K.Chitravani

Respondent/Respondent/Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India seeking for a direction for speedy disposal of I.A.No.1 of 2019 in H.M.O.P.No.109 of 2018 on the file of the Family Court, Kanniyakumari at Nagercoil.

For Petitioner : Mr.S.Ramasundarvijayraj

ORDER

The petition has been filed seeking a direction to the Family Court, Kanyakumari at Nagercoil to dispose of I.A.No.1 of 2019 in H.M.O.P.No.109 of 2018 as expeditiously as possible.

2. Learned counsel for the petitioner would submit that the petitioner had filed H.M.O.P.No.54 of 2017 on the file of the Principal Sub Court, Nagercoil seeking dissolution of marriage. After the constitution of the Family Court, the case was transferred to the Family Court, Nagercoil and renumbered as H.M.O.P.No.109 of 2018 and since the petitioner was unable to appear regularly before the court on account of his transfer to Vadipatti, the case had been taken up and dismissed for non prosecution on 4.9.2018, however, since his counsel did not inform him about the dismissal of the case for non prosecution, there was a delay of 290 days in approaching the court seeking restoration of the case and hence, he had filed Application in I.A.No.1 of 2019 seeking condonation of delay. He would further submit that the respondent/wife had filed counter and the Family Court heard both the parties and the matter was posted for orders on 20.3.2020 and thereafter, orders have not been passed so far and thereby the present revision has been filed seeking early disposal of the said Application.

3. The extract of B diary as found from the typed set of papers is reproduced hereunder for ready reference:-

"I.A. No. 1/19

<https://hcservices.ecourts.gov.in/hcservices/>



HMOP 109/18

Petition filed by the petitioner Manikandan. To pass an order to condone the delay of 298 days for filing restore petition. Petition disposed on 04.09.2018 U/s. Limitation Act copy not given to other side C/o. 07.08.2019

07.08.2019

Notice to the respondent C/o. 06.09.2019

06.09.2019

Court and Post served

Both parties present Counter C/o. 17.10.2019
17.10.2019

Counter. Both parties present of request
C/o. 21.11.19

Condone the delay of 298 days for filing restore petition.

I.A.No. 1/19

HMOP 109/18 Ad. Vikiramaraj

21.11.2019

Counter Both parties of counter filed. Arg. by
18.12.19

18.12.19

Eng. Arg. by 30.01.2020

30.01.2020

Eng. Rept. Petr. Arg. bu 18.02.2020

18.02.2020

Enquiry. Argument heard C/o. 05.03.2020

05.03.2020

Respt. Side Enquiry. Order by 20.03.2020

20.03.2020

Order 30.03.2020

30.03.2020

Covid-19 lockdown reported to 29.04.2020

29.04.2020

Covid-19 lockdown reported to 29.05.2020

29.05.2020

Covid-19 lockdown reported to 30.06.2020

30.06.2020

Covid-19 lockdown Order not ready Call on
05.08.2020.

05.08.2020

Covid-19 lockdown Order not ready Call on
15.09.2020

15.09.2020

Covid-19 lockdown Order not ready Call on
28.09.2020

28.09.2020

Covid-19 lockdown Order not ready Call
on 08.10.2020



08.10.2020

Covid-19 lockdown Order not ready Call on
16.10.2020

16.10.2020

Covid-19 lockdown Order not ready Call on

03.11.2020

03.11.2020

For clarify on 23.11.2020

23.11.2020.

For clarification. Petitioner present C/o.

26.11.2020

26.11.2020

For clarification C/o. 09.12.2020

09.12.2020

For clarification. Petitioner present. Respt
absent. Covid 19 lock down reposted to 31.12.2020.

31.12.2020

for Clarification. Petitioner side argument heard.
Respt. Side argument by 02.01.2021

02.01.2021

Respt. Side argument. Respondent not present. No
respondent. Respondent side argument by 19.01.2021

19.01.2021.

Respondent side argument. Both parties present .
Reposted to 11.02.2021.

11.02.2021

Respondent side argument by 17.02.2021

17.02.2021

Order not ready. Judge on OD. Reposted to
02.03.2021

02.03.2021

Order not ready. Judge on OD Reposted to
06.03.2021

06.03.2021

For clarification reposted to 13.03.2021

13.03.2021

For clarification C/o.19.03.2021

19.03.2021

For clarification C/o.30.03.2021

30.03.2021

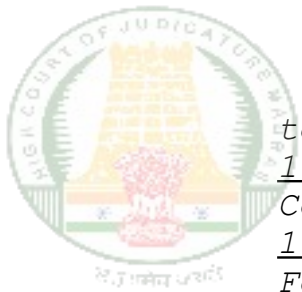
Petitioner present. Judge on OD. Reposted to
08.04.2021

08.04.2021

For clarification Both parties present. For
clarification C/o.23.04.2021

23.04.2021

For clarification . Covid 19 lock down reposted



to 10.06.2021

10.06.2021

Covid 19 lock down reposted to 17.07.2021

17.07.2021

For clarification Covid 19 lock down reposted to

05.08.2021

05.08.2021

For clarification Covid 19 lock down R.Pt.

26.08.2021

26.08.2021

Clarification. petitioner call for arg.C/o.

23.09.2021

23.09.2021

Notice to be sent "

4. On perusing the sequence of events as extracted above and considering the plea of the petitioner, a direction is issued to the Family Court, Kanniyakumari at Nagercoil to dispose of I.A.1 of 2019 in H.M.O.P.No.109 of 2018 within a period of 3 months from the date of receipt of a copy of this order. The civil revision petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssk.

Note: In view of the present lock down owing to COVID 19 pandemic, a web copy of the order may be utilised 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

Judge,
Family Court,
Kanniyakumari at Nagercoil.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-32189[F] dated 21/10/2021)

C.R.P. (PD) (MD) No.1512 of 2021
20.10.2021.

PS (CO)

KB(17.11.2021) 4P 3C