



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

C.R.P. (MD) No.1552 of 2021

Senthilkumar

... Petitioner/Petitioner/petitioner

Vs.

Sudha

... Respondent/Respondent/Respondent

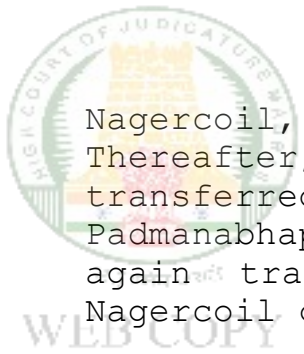
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Family Court, Kanyakumari District at Nagercoil to dispose the I.A.No.1 of 2021 in G.W.O.P.No.207 of 2021, in a speedy manner.

For Petitioner : Mr.K.P.Narayanakumar

O R D E R

The Civil Revision Petition has been filed seeking a direction to the Family Court, Kanyakumari District at Nagercoil, to dispose the I.A.No.1 of 2021 in G.W.O.P.No.207 of 2021 in a speedy manner.

2.The learned counsel for the petitioner would submit that the petitioner married one Helen Selvi on 26.10.2001 as per Christian rights and customs. After marriage, they settled at Chennai and his wife was working at Sri Ramachandra Medical College, Chennai. Out of the wedlock, they were blessed with a female child namely, Sheni Kipta on 23.05.2005 and the male child namely Fleson Praisath on 30.11.2006. Thereafter, the wife of the petitioner was affected with Tuberculosis disease and later died on 12.06.2019. During the time, the children were staying at Chennai. The last rites of the petitioner's wife was conducted at native village Kanyakumari District, and the children were left at the house of their grandmother, on the assurance by the respondent that she would send back the children after sometime, whereas, in violation of the assurance, the respondent, who is the sister-in-law of the petitioner refused to send back the children to the petitioner and thereby the petitioner had filed a petition in G.W.O.P.No.107 of 2020 before the Principal District Court,



Nagercoil, to appoint him as guardian of the minor children. Thereafter, after the formation of new Court, the case was transferred to file of the Additional District Court, Padmanabhapuram on 24.08.2020 and subsequently, the case was once again transferred to Family Court, Kanyakumari District at Nagercoil on 10.11.2020 and renumbered as G.W.O.P.No.207 of 2021.

3. In the meanwhile, the petitioner being the father and natural guardian, had filed an application in I.A.No.1 of 2021 seeking interim custody of the minor children. Without considering the urgency, the said petition was periodically adjourned with out any progress and thereby, the present petition has been filed seeking for speedy disposal.

4.Considering the limited prayer sought for in the Revision, notice to other side is deemed unnecessary.

5.From the 'B' Diary extract produced by the petitioner, it is seen that the case is being adjourned for filing counter from 17.02.2021, for more than 8 months.

6. Considering the fact that the Petitioner is the father of the minor children and the petition is pending for the past one year without any progress, this Court is inclined to pass the following order:

"The learned Judge, Family Court, Kanyakumari District at Nagercoil, is directed to dispose of I.A.No.1 of 2021 in G.W.O.P.No.207 of 2021, pending on his file, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this order."

7. With the above direction, the Civil Revision Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rm

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,
Kanyakumari District at Nagercoil.

WEB COPY

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-32339[F] dated
25/10/2021)

C.R.P. (MD) No.1552 of 2021
21.10.2021

RK/PM (09/11/2021) 3P 3C