



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. (MD) No.1549 of 2021

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Kesildamary ... Petitioner/Petitioner/petitioner

Vs.

Eujin Maria Stalin ... 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 2020 in I.D.O.P.No.84 of 2018 with in a time frame as fixed by this court.

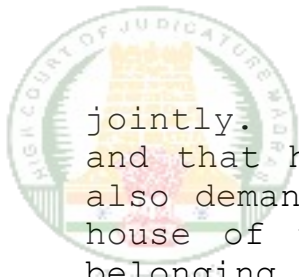
For Petitioner : Mr.K.P.Narayanakumar

O R D E R

The Civil Revision Petition has been filed to direct the Family Court, Kanyakumari District at Nagercoil to dispose the I.A.No.1 of 2020 in I.D.O.P.No.84 of 2018 within a time frame as fixed by this court.

2.The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 26.12.2012 as per Christian rites and customs. Thereafter, since, there was a physical torture and harassment made by the respondent, the petitioner has filed a petition in I.D.O.P.56 of 2013, on the file of the District Court, Kanyakumari District at Nagercoil, seeking for the relief of divorce. However, due to the intervention of the relatives and well-wishers in the family, there was a reunion and hence, the petitioner did not follow up the case in I.D.O.P.56 of 2013, which was dismissed for default.

3.After reunion, the respondent lived peacefully for sometime and thereafter, again harassed the petitioner without any reasonable cause, having no other option, the petitioner has filed I.D.O.P.No.115 of 2018, on the file of the District Court, Kanyakumari District at Nagercoil and after the formation of the Family Court, the case was transferred to the Family Court and it was renumbered as I.D.O.P. No.84 of 2018. Once again due to the intervention of the relatives, there was a reunion and they are living



jointly. After some time, the respondent showed his true colour and that he had subjected the petitioner to physical torture and also demanded a car as dowry and later he has trespassed into the house of the petitioner's father and caused damage to two cars belonging to the petitioner worth about Rs.8,00,000/- and also caused severe damage to the house of the petitioner's father, in respect of which, a case in Crime No.215 of 2020 was registered against the respondent.

4.In the meanwhile, since the petitioner had not follow up the I.D.O.P.No.84 of 2018, was dismissed for default and the petitioner had filed a restoration petition in I.A.No.1 of 2020 along with delay condonation petition to condone the delay of 702 days. The said Interlocutory Application was periodically adjourned without any orders being passed by the Court and hence, the present Civil Revision Petition has been filed seeking for a direction to dispose of the I.A.No.1 of 2020 within the time stipulated by this Court.

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

6.From the 'B' Diary extract produced by the petitioner, it is seen that the case is being adjourned for appearance of respondent from 21.01.2021, for more than nine months.

7.Considering the fact that the petition is pending for the past nine months 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 2020 in I.D.O.P.No.84 of 2018, pending on his file, on merits and in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of copy of this order."

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

Sd/-

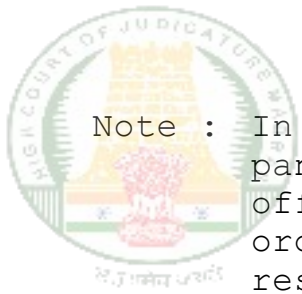
Assistant Registrar (CS-II)

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/ /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.

WEB COPY

To
The Judge,
Family Court,
Kanyakumari District,
Nagercoil.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-32338[F] dated
25/10/2021)

C.R.P. (MD) No.1549 of 2021
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RK/JGB(18/11/2021) 3P 3C