



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (PD) (MD) No.1724 of 2021

S.P.Anbalagan

... Petitioner/Respondent/
Petitioner

Vs .

Rajeswari

... Respondent/Petitioner/
Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Family Court, Madurai to dispose of the I.A.No.272 of 2018 in H.M.O.P.No.542 of 2011 in an early date and within the time framed fixed by this Court.

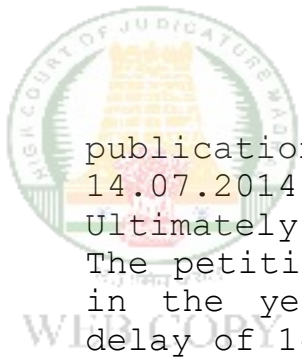
For Petitioner : Mr.Lakshmi Gopinathan

ORDER

The above petition is filed by the petitioner/husband invoking the jurisdiction of the Court under Article 227 of the constitution of India for a direction to the learned Judge, Family Court, Madurai, to dispose of I.A.No.272 of 2018 in H.M.O.P.No.542 of 2011 within the time frame.

2.The records would show that I.A.No.272 of 2018 is a petition filed by the respondent/wife to condone the delay of 1433 days in filing a petition to set aside the *ex-parte* order. The B-diary extracts which has been produced by the petitioner would show that this petition is pending since 25.07.2018. The petitioner herein has appeared before the Court on 12.10.2018 and thereafter, the matter is being adjournment continuously. Despite the parties being present for enquiry, the learned Judge has not taken up the interlocutory application for enquiry.

3.The records would further show that the respondent herein had been served with a private notice through affixture (Court notice) and the private notice which was sent had been returned as refused which is evident from the order dated 20.04.2014. Despite which the Court had directed paper publication. The paper



publication was effected on 04.07.2014 and by an order dated 14.07.2014, the respondent was called absent and set ex-parte. Ultimately, the petition was allowed by order dated 20.08.2014. The petition to set aside this ex-parte order has been filed only in the year 2018 along with the application for condoning the delay of 1433 days.

4.The learned Judge ought not to prolong the agony of the parties. In fact, on an earlier occasion, the petitioner had come before this Court challenging the order of the learned Judge, Family Court, Madurai, directing the parties to submit themselves for conciliation stating that there is no chance for re-union. This Court had dismissed the said petition by order dated 13.03.2019. The B-diary would indicate that even as early as on 08.03.2019 the counsellors had reported that the counseling had failed and the matter was referred to the Court. From 11.04.2019 the matter is pending for enquiry.

5.In these circumstances, this Civil Revision Petition is allowed and the learned Judge, Family Court, Madurai, is directed to dispose of I.A.No.272 of 2018 in H.M.O.P.No.542 of 2011 within a period of one month from the date of receipt of a copy of this order and report to the Court. No costs.

Sd/-

Assistant Registrar (CS-III)

// 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.POLAX LEGAL SOLUTIONS, Advocate (SR-34178[F] dated 11/11/2021)

C.R.P (PD) (MD) No.1724 of 2021

11.11.2021

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