



CRP(PD)(MD)No.725 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.725 of 2022

R.Saranya

... Petitioner

versus

P.K.Marthandan

... Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, seeking to dispose of the case in H.M.O.P.No.979 of 2021 on the file of the Family Court, Madurai as expeditiously as possible.

For Petitioner : Mr.G.Thiruvarutselvan

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed by the wife/petitioner herein for early disposal of H.M.O.P.No.979 of 2021 filed by the husband/respondent herein, which is now pending on the file of the Family Court, Madurai.



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2. The learned counsel appearing for the petitioner submits that the marriage between the petitioner and the respondent was solemnized on 05.02.2015 at Madurai and out of the wedlock, they are blessed with two children. Due to some misunderstanding, they are now living separately. Thereafter, the husband/respondent herein filed a petition in O.P.No.521 of 2020 for restitution of conjugal rights before the Family Court No.II, Chennai. On the transfer petition filed by the wife/petitioner herein in Tr.C.M.P.(MD)No.119 of 2020, this Court, by order dated 10.08.2021, transferred the case in O.P.No.521 of 2020 from the file of the Family Court No.II, Chennai to the file of the Family Court, Madurai. This Court also issued a direction to the Family Court, Madurai, to dispose of O.P.No.521 of 2020, on merits and in accordance with law as expeditious as possible. After transferring the case, the above said petition was renumbered as H.M.O.P.No.979 of 2021.

3. Now, the grievance of the wife/petitioner herein is that even



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though there was a direction issued by this Court, the trial Court has not proceeded with the trial in H.M.O.P.No.979 of 2021. Therefore, a necessary direction may be issued for early disposal.

4. Though notice was sent to the respondent, the same was returned with an endorsement as “refused”. Therefore, the name of the respondent has been printed in the cause list. However, there is no representation on behalf of the respondent either in person or through a counsel.

5. Heard the arguments advanced by the learned counsel for the petitioner.

6. It appears that the original petition filed by the respondent herein for restitution of conjugal right is pending from the year 2020 and on the transfer petition filed by the wife/petitioner herein, it was transferred from the Family Court No.II, Chennai, to the Family Court,



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Madurai, only on 10.08.2021. This Court, while disposing Tr.C.M.P. (MD)No.119 of 2020, has also issued a direction to the Family Court, Madurai, to dispose of the case in O.P.No.521 of 2020 filed by the respondent as expeditiously as possible. After the orders of the Court, the case in O.P.No.521 of 2020 was transferred from the Family Court, Chennai to the Family Court, Madurai and renumbered as H.M.O.P.No. 979 of 2021.

7. Since the Original Petition is pending from the year 2020, this Civil Revision Petition is allowed, with a direction to the Family Court, Madurai to dispose of O.P.No.979 of 2021 as expeditiously as possible, within a period of six months from the date of receipt of a copy of this order. No costs.

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Index : Yes / No.
Internet: Yes / No.
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To

1. The Family Court,
Madurai.



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B.PUGALENDHI, J.

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