



C.R.P.(MD)No.3081 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3081 of 2023

1. M.Jesu Antony Ezhil Arasu

2. Viji Ammal

3. Malaiyappan

... Petitioners/
Petitioners

Vs.

Babitha Salma

... Respondent/
Respondent

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Family Court, Nagercoil to expedite the G.W.O.P.No.569 of 2020 on its file, within a time frame as may be fixed by this Court.

For Petitioners : Mr.N.Mariappan

ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the petition in G.W.O.P.No.569 of 2020, pending on the file of the Family Court, Nagercoil, within a specified time fixed by this Court.



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2. I have heard the learned counsel appearing for the revision petitioners. Since the revision petition is filed for early disposal of the case, the issuance of notice to the respondent is not necessary.

3. The revision petitioners have filed a petition in G.W.O.P.No.569 of 2020 for declaration of guardianship of minor child Reena Rose and consequential reliefs against the respondent.

4. The learned counsel appearing for the revision petitioners would submit that the minor child was born on 03.08.2006 and hence, the custody of the child has to be decided as soon as possible or otherwise the case will be closed for the reason that the child has attained the age of eighteen, that the petition is pending for the past 3 years without attaining finality and that therefore, the trial has to be expedited.

5. The fact remains that the petition was filed only in the year 2020. The High Court has already issued circulars to the District Judiciary, directing the Courts to give priority for the cases relating to Senior Citizens, HIV affected persons, Defence Personnel, Women and Children, more than 5 year old cases etc., It is to be noted that the revision



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petitioners, without approaching the trial Court, have directly come forward with the present Revision Petition before this Court, seeking early disposal. In the absence of total pendency particulars and the work burden of that particular Court, this Court is not inclined to give any direction to dispose of the case within a specified period of time.

6. However, the trial Court is required to give priority to the cases, as per the Circulars of the High Court. The revision petitioners are at liberty to approach the trial Court and if such requisition for early disposal of the case is made, the learned trial Judge is required to consider the urgency for early trial, in the light of the circulars issued by this Court.

7. With the above observation and direction, the Civil Revision Petition is disposed of. No costs.

24.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

To

1. The Family Court,
Nagercoil.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.3081 of 2023

Dated : 24.11.2023