



C.R.P.(PD).No.306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.306 of 2023

M.Bhuvaneswari

... Petitioner

VS

V.Murali Sundaram

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the II Additional Family Court Judge, Chennai to dispose the H.M.O.P.No.33 of 2009 renumbered as H.M.O.P.No.3341 of 2011 tagged along with M.C.No.542 of 2009 pending on the file of the II Additional Family Court, Chennai, a time frame that may be fixed by this Court.

For Petitioner : Mr.P.Sathish
for M/s.Vidya Chetan

For Respondent : No Appearance

ORDER



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WEB COPY This Civil Revision Petition seeks for a direction for expeditious disposal of H.M.O.P.No.3341 of 2011 pending on the file of the II Additional Family Court at Chennai.

2. The petitioner is the wife. The respondent is said to be a retired Judicial Officer. Both of them entered into matrimony on 15.07.2002. From the wedlock, a female child was born on 03.03.2004. Unfortunately, the child was diagnosed with 65% mental disability and a certificate to that extent has been given by the Medical Board while she was 3 years old. Due to disputes and differences, the husband presented H.M.O.P.No.33 of 2009 before the Sub Court, Poonamallee. Thereafter, the said proceedings was transferred to the file of II Additional Family Court at Chennai and has been renumbered as H.M.O.P.No.3341 of 2011.

3. Pleading that the husband is not maintaining the child as well as herself, the wife has initiated maintenance case in M.C.No.542 of 2009. This petition has been clubbed along with the divorce petition in H.M.O.P.No.3341



of 2011. Pending the proceedings, denying that the child was born to him, the husband has taken out an applications in I.A.Nos.2856 and 2857 of 2011 for DNA comparison. The said applications came to be allowed and the Forensic Science Department has also certified that the mother of the child is the civil revision petitioner and father is the respondent.

4. Mr.P.Sathish, representing M/s.Vidya Chetan, learned counsel for the petitioner would submit that the matter has been pending for the past 15 years and for one reason or the other, the matter is being adjourned from time to time. He would state that the petitioner finds it very difficult to attend the court proceedings and at the same time manage the child who is mentally challenged. He would seek for a direction for early disposal of the proceedings.

5. The e-court print out that has been produced before this Court shows that the matter has been adjourned on regular basis, without any substantial progress.

6. Taking into consideration that the proceedings are pending for more



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than 15 years and since the interest of a mentally challenged child is involved,

I am inclined to direct the II Additional Family Court at Chennai to dispose of

H.M.O.P.No.3341 of 2011 and M.C.No.542 of 2009 on or before 20.12.2024.

7. With the above direction, the Civil Revision Petition stands allowed.

No costs.

01.07.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

WEB COURT
The II Additional Family Court,
Chennai.



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V.LAKSHMINARAYANAN, J.

dm

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