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C.R.P.No.2287 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2287 of 2024

T.Jeyakarthikeyan

... Petitioner

Vs.

S.Samundeeswari

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to issue a direction to the learned Principal District Judge, Erode to expedite the trial and dispose of G.W.O.P.No.88 of 2019 within a time frame as fixed by this Court.

For Petitioner : Ms.S.Vasavi Sridevi

ORDER

This revision petition has been filed seeking a direction to the learned Principal District Judge, Erode to expedite the trial and dispose of G.W.O.P.No.88 of 2019 within a time frame as fixed by this Court.



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2.The petitioner has filed G.W.O.P.No.88 of 2019 before the Principal District Judge, Erode seeking to appoint him as natural guardian to minor Pranav aged about 8 years and minor Sharan aged about 5 years, to take care of their growth, education, employment and marriage. The respondent herein is his estranged wife.

3.The contention of the learned counsel for petitioner is that the petitioner and respondent got married on 24.02.2008 and they have two sons, namely, Pranav, who was born on 08.03.2010 and Sharan, who was born on 09.02.2013. The petitioner got a job at Qatar and he was working in Qatar from the year 2010 to 2017. At that time, the respondent stayed in Erode. The petitioner purchased some properties on the earnings made by him in Qatar. He also provided with best amenities to the respondent and his sons for comfortable living. In the year 2018, the petitioner lost his job in Qatar and he came back to India. The respondent finding that the petitioner lost his earning capacity, neglected the petitioner and refused to allow the petitioner



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to visit his children and speak to them. Thereafter the respondent's attitude towards the petitioner changed. Hence, left with no other option, the petitioner filed a divorce petition before the Sub Court, Omalur, which was subsequently transferred to Principal District Court, Erode and numbered as H.M.O.P.No.132 of 2019. The petitioner filed Guardian O.P. in G.W.O.P.No.88 of 2019, in which, he filed an interim application in I.A.No.11 of 2021 seeking interim custody of his minor sons. All these petitions were kept pending, despite the respondent filed her counter in respective petitions and now the case is right for trial. But the trial Court, mechanically adjourning the case, more particularly, I.A.No.11 of 2021, which was filed in the year 2021 for having visitation rights, is kept pending without any progress for the past 3 years. The petitioner filed G.W.O.P.No.88 of 2019 when his son Pranav was 8 years and Sharan was 5 years. Now the age of Pranav is 14 years and Sharan is 11 years, which only go to show that though years pass by, the trial Court is not proceeding with



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the petitions as expected and contemplated. Hence, the present revision has been filed.

4.Since it is only a limited prayer seeking direction to dispose of the G.W.O.P.No.88 of 2019 within the stipulated period, notice to the respondent not required. Hence, notice to the respondent dispensed with.

5.Considering the submissions made and on perusal of the materials, it is seen that the contention of the petitioner seems to be reasonable, supported with adjudication proceedings produced. In view of the same, this Court directs the trial Court (Principal District Court, Erode) to dispose of I.A.No.11 of 2021 within a period of one month from the date of receipt of a copy of this order. The proceedings in G.W.O.P.No.88 of 2019 and H.M.O.P.No.132 of 2019 to be completed within a period of three months from thereon. Thus, the entire proceedings to be completed within a period of four months.



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6. With the above directions, the Civil Revision Petition is disposed

of. No costs.

26.06.2024

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

rsi

To

The Principal District Judge,
Erode.



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M.NIRMAL KUMAR, J.

rsi

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