



CMP(MD). No.8228 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

**Monday, the First day of July Two Thousand and Twenty Four
PRESENT**

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

**CMP(MD). No.8228 of 2024
in
CRP(MD) No.726 of 2023**

K.Preethi Ajay ... Petitioner/Respondent/Respondent

Vs

K.Ajay ... Respondent/Petitioner/Petitioner

Prayer in CMP(MD). No.8228 of 2024:

Civil Miscellaneous Petition filed under section 151 of CPC to pass an order of extending the time limit fixed in CRP(MD). No.726 of 2023 passed by this Honourable Court on 17.03.2023 and thus render justice.

Prayer in CRP(MD). 726 of 2023 :

Civil Revision Petition filed under Article 227 of Constitution of India, to issue a direction to the Learned Special Judge, Family Court, Madurai to expedite the proceedings in HMOP.No. 110 of 2021 on the file of the Family Court, Madurai and to dispose of the same within a time frame to be fixed by this Honourable Court and pass such further or other orders and thereby render justice.



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ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.Sakthi Kumaran, Advocate for the Petitioner and of Mr.N.Dilip kumar, Advocate for the Respondent, this Court made the following order:

By order dated 17.03.2023 in C.R.P(MD)No.726 of 2023, this Court directed the Family Court, Madurai, to dispose of the H.M.O.P.No.110 of 2021 within a period of twelve months from the date of receipt of copy of this order.

2.It is seen that accordingly the Court has expedited the proceedings and the case is now in the argument stage. Now this application is filed for extension of time by the respondent/wife.

3.The learned counsel for the petitioner would submit that the wife of the Petitioner is not well and therefore she is unable to present before the Court for arguments.

4.The said prayer is opposed by the learned counsel on behalf of the respondent/husband stating that from the proceedings of the Court below, it could be seen that she is trying to protract the proceedings and the prayer on her behalf need not be entertained.

5.I have considered the rival submissions made on either side and perused the materials of the case.

6.When this Court has directed the trial Court to expedite and complete the proceedings in the particular date, if for any reason the trial could not be completed



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within said date, the trial Court will approach this Court the same will be taken up.

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It is not for the respondent to file this application. The only ground on which the present application is filed is that the respondent/wife is not well. Even the learned counsel appearing on behalf of the petitioner/wife would submit that now the trial is over and the case is posted for arguments. The amicus/learned Advocate is going to argue the matter. Therefore on the date of argument ie., on 02.07.2024, if the wife is unable to be present or any other date she is not able to present, so long as the counsel argues, the Court shall consider dispensing with her presence on the said day alone and proceed with the matter and complete the matter as expeditiously as possible, in any event, not later than 15.07.2024.

7. With the above terms, this Civil Miscellaneous petition is disposed of."

Sd/-

Assistant Registrar()

// True Copy //

/07/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

TO

The Judge,
Family Court,
Madurai.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.



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ORDER DATED : 01/07/2024

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ORDER

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CMP(MD). No.8228 of 2024

in

CRP(MD) No.726 of 2023

SI(08.07.2024) 4P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.