



Crl.O.P.(MD)No.14368 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14368 of 2024

Minor J.Yeberson Nathaniyal Chellaiya
through his father (Guardian)
C.Jesukahan

... Petitioner

Vs.

Jerina Mari Victoriya

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to issue a direction directing the learned Family Court, Thiruchirapalli to dispose the case in M.C.No.40 of 2023 within the time stipulated by this Court.

For Petitioner : Mr.P.Pratheesh

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the Family Court, Thiruchirapalli to expedite the case in M.C.No.40 of 2023 and dispose of the same as



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expeditiously as possible within a time that may be stipulated by this Court.

2. Since the petition is filed for early disposal of the case, issuance of notice to the respondent is not necessary.

3. Heard the learned counsel appearing for the petitioner.

4. It is evident from the records that the marriage between one Jesukahan and the respondent was solemnized on 26.04.2010 and due to wedlock, they have been blessed with the petitioner herein, that in the year 2022, they got divorce and the petitioner is living under his father and that since the petitioner's father has been taking treatment for his heart issues, the petitioner has filed a maintenance case against the respondent in M.C.No.75 of 2022 before the Principal District Family Court, Comibatore and the same was transferred to Family Court, Tiruchirappalli and renumbered as M.C.No.40 of 2023.

5. The learned counsel appearing for the petitioner would submit that though the trial Court has ordered an interim maintenance in favour



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of the petitioner, the respondent has not complied with the same till today and that the case was periodically adjourned for further proceedings without any progress.

6. The fact remains that, the maintenance case has been filed in the year 2022 only. The High Court has already issued Circulars to the District Judiciary directing the Courts to give priority for the cases relating to the Senior Citizens, HIV affected persons, Defence personnel, women and children etc., The petitioner, without approaching the trial Court, has directly approached this Court. In the absence of total pending particulars and the work burden of that particular Court, this Court is not inclined to give any direction to dispose of the case within the specified period of time.

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



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8. With the above observation and direction, this Criminal Original

Petition stands disposed of.

30.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

1.The Family Court,
Thiruchirapalli.



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K.MURALI SHANKAR,J.

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Order made in
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