



WEB COPY



CRP .No.753 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM

THE HONOURABLE MR. JUSTICE P.T.ASHA

**CRP .No.753 of 2025 &
CMP.No.4294 of 2025**

1. R. Megaladevi
2. S.Vipnasree (Minor)
aged 5 years,
represented by her mother
R.Megaladevi

.. Petitioners

VS

V.Sridhar

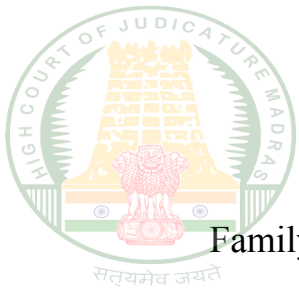
... Respondent

Prayer: Civil Revision Petition filed under section 227 of Constitution of India praying to direct the Principal Family Court Judge at Coimbatore to dispose off the Interlocutory Application viz., I.A.No.2 of 2022 in HMOP.No.1771 of 2018 expeditiously in a time framed manner.

For Petitioner : Mr. Thanga Vadhana Balakrishnan

ORDER

The petitioner/wife and her minor child have moved this Revision seeking an earlier disposal of their petition seeking maintenance in I.A.No.2 of 2022 in HMOP.No.7117 of 2018 on the file of the Principal



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2. The respondent/husband has filed the HMOP.No. No.1771 of 2018 seeking divorce on the ground of cruelty and desertion. The HMOP was filed in year 2018. The petitioner herein has filed a detailed counter statement to the HMOP.

3.Pending HMOP, the petitioner has filed I.A.No.2 of 2022 seeking an interim maintenance of a sum of Rs.20,000/- to the petitioner and Rs.15,000/- as litigation expenses. The respondent/husband has been taking time for filing his counter from December 2022, but had not filed the same till 26.04.2023. Thereafter the matter was adjourned for enquiry on 20.05.2023, 01.10.2024.

4.On 16.10.2024, the learned Judge *suo-motto* held that since the main petition was pending for over six years, this petition can be heard along with the main OP and has been adjourning the application. Therefore, the petitioner has invoked the superintending jurisdiction of this Court under Article 227 of the Constitution of India for an earlier disposal of the said I.A.



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5.A perusal of the notes of proceedings would clearly show that from 17.12.2022 till 14.03.2023, the respondent has been taking time for filing his counter. Ultimately, his counter was filed on 26.04.2023 and thereafter, the matter was posted for arguments and the respondent had completed his arguments and the matter was posted for the petitioner's arguments on 16.10.2024. On 16.10.2024, while appreciating the fact that the matter has argued in part, the Principal Family Judge, Coimbatore directed the matter to be taken up along with the main HMOP. The husband who is duty bound to maintain his wife and children has failed to do so. By directing the Interlocutory Application to be heard along with the main HMOP, the learned Judge has caused grave hardship to the petitioner who is also burdened with the care and custody of the minor child. Therefore, considering the above, a direction is issued to the Principal Family Judge, Coimbatore to dispose of I.A.No.2 of 2022 in HMOP.No.1771 of 2018 and pass orders within a period of three weeks from the date of receipt of copy of this order. Till the disposal of I.A.No.2 of 2022, HMOP.No.1717 of 2018 shall not be proceeded with.



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6. With the above direction, the Civil Revision Petition is

allowed. No costs. Consequently, the connected miscellaneous petition is closed.

26.02.2025

msr

Index:yes/no

Internet:yes/no

speaking order/non-speaking order.

To

The Principal Family Court Judge at Coimbatore



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P.T.ASHA, J.

msr

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