



CrI.O.P.No.17490 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.17490 of 2025

1. DivyaLoganathan

2. D.E.Megha (minor)

2nd petitioner is rep. by 1st petitioner (mother)

... Petitioners

Vs.

Elavarasan

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to direct the Additional Family Court to expedite the trial and complete the MC.No.324/2023 case within stipulated short time, without any delay in accordance with procedure and law.

For Petitioners	: Mr.C.T.Prabhakar
For Respondent	: M/s.J.Mathi



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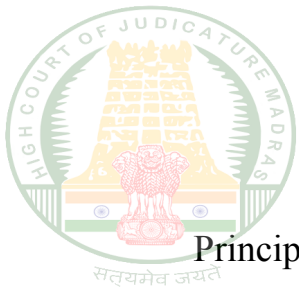
ORDER

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This Criminal Original Petition has been filed by the petitioners to direct the II Additional Family Court, Chennai to expedite the trial and to dispose of the maintenance case in M.C.No.324 of 2023 within a stipulated short time, without any delay in accordance with procedure and law.

2. This Court, vide its order dated 13.02.2025 in CrI.R.C.No.276 of 2025 has already given a direction to all the Judicial Officers concerned to complete all the pending maintenance cases within a period of three months . However, the II Additional Family Court, Chennai had not adhered to the order of this Court and the above maintenance case was pending from the year 2023. Therefore, when the matter came up before this Court on 18.06.2025, this Court had directed the Registry to call for report from the Presiding Officer, II Additional Family Court, Chennai and the matter was ordered to be listed on 15.07.2025.

3. Today (15.07.2025), the report received from the II Additional



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Principal Judge, Family Court, dated 30.06.2025 placed before this Court

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wherein it is stated that:

" I humbly submit that as per the order of Hon'ble High Court, Madras, in ROC.No.18/2025, Notification No.122/2025, dated 06.06.2025 I have joined duty as II Additional Principal Judge, Family Court, Chennai on 12.06.2025 F.N.

Mrs.Divya Loganathan is the petitioner/wife and S.Elavarasan is the respondent/husband. This case M.C.324/2023 filed on 17.05.2023. Both the parties appeared before this Court on 05.09.2023 and directed the parties to attend the Mediation on 20.10.2023. The respondent is directed to file counter finally and posed to 22.11.2023. Counter has not been filed by the respondent for several hearings and set Exparte and order for Exparte evidence posted to 10.07.2024. The respondent filed set aside petition along with counter on 20.08.2024.

I further submit that the set aside petition is numbered as Crl.M.P.1398/2024 and hering both side and the petition is allowed on 10.09.2024 and posed for enquiry on 25.09.2024. The respondent has filed Affidavit of Assets and Liabilities on 04.06.2025 and the petitioner has filed Affidavit of Assets and Liabilities only on 11.12.2024.



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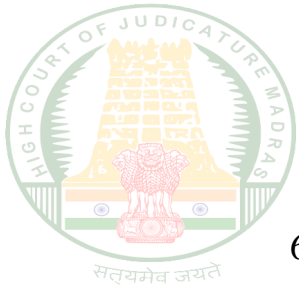
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I further submit that the Bank Statement has not filed by the petitioner for several hearings before this court. On 20.06.2025 this Court is directed the petitioner to file bank statement finally or otherwise further order will be passed. The petitioner has filed Bank Statement through office on 27.06.2025. The case is at the state of enquiry, for filing Proof Affidavit of the petitioner in M.C.324/2023.

This for your kind information and oblige."

4. The report shows that the Family Court has been adjourning the case for several occasions on every stage. If the Family Courts deal with the maintenance cases in the way in which, the present case is dealt with, the purpose of Section 125 Cr.P.C. and the scope and object of the maintenance case proceedings would be defeated.

5. However, the II Additional Family Court, Chennai is directed to expedite the trial and dispose of the case within a period of two months from the date of receipt of a copy of this order.



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6. With the above directions, this Criminal Original Petition is disposed

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of.

15.07.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
The Judge,
The II Additional Family Court
Chennai

Copy to
The Registrar General
High Court of Madras, Chennai.



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P.VELMURUGAN,J.

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