



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2015

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD) No.392 of 2015

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PANDIRAJAN

.. Petitioner/Petitioner

Vs.

PANDIRADHA

.. Respondent/Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned III Additional Sub Court, Madurai to dispose of the HMOP No.224 of 2013 within a time stipulated by this Court.

For Petitioner : Mrs.A.S.Rajeswari

ORDER

The Civil Revision Petition has been filed to direct the learned III Additional Sub Court, Madurai to dispose of the HMOP No.224 of 2013 within a time stipulated by this Court.

2. The husband in the matrimonial dispute in H.M.O.P.No.224 of 2013 is the revision petitioner herein and the respondent/wife had filed H.M.O.P.No.175 of 2012 for restitution of conjugal rights, for which, the petitioner herein conceded. Thereafter, the respondent herein without joining the matrimonial home had filed M.C.No.23 of 2013, which is now pending and also posted along with H.M.O.P.No.224 of 2013.

3. The grievance of the petitioner is that though he is automatically entitled to a divorce, on the ground that the respondent is wilfully staying away from the petitioner without any sufficient cause, and the HMOP has been prolonged at the instance of the respondent.

4. The trial commenced on 25.08.2014 and P.Ws.1 and 2 were examined and cross examined. P.W.3 was examined in chief on 12.01.2015 and posted for P.W.3's cross examination. The respondent herein is not cross examining P.W.3 by not appearing before the Court. If the parties are not co-operating in the progress of the trial, the presiding officer cannot be blamed for it. Without knowing the constraint of the presiding officer, this Court cannot give a direction for the speedy disposal.

5. Admittedly, in this case the trial has been progressing. It is only the respondent, who is not co-operating with the completion of the trial. Therefore, it is open to the presiding officer to pass appropriate orders at the appropriate stage.

6. Considering the case of the petitioner, who has been put to serious prejudice and hardship because of the attitude of the respondent, this Court is inclined to direct the learned III Additional Sub Judge, Madurai to dispose of the H.M.O.P.No.224 of 2013 on or before 30.04.2015.



7. The Civil Revision Petition is disposed of accordingly. No order as to costs.

Sd/-
Assistant Registrar(T&P)

/True copy/

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Sub Assistant Registrar

To
The III Additional Subordinate Judge, Madurai.

+1cc to Mr.A.S.Rajeswari, Advocate in SR.10438

C.R.P. (PD) (MD) No.392 of 2015
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