

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP(PD).No.2707 of 2016

and

CMP.No.14012 of 2016

M.Tharani

..Petitioner

vs.

B. Shabarishkumar

..Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to order Joint Trial of HMOP.No.11 of 2012 and HMOP.No.41 of 2012 on the file of the learned Sub-Judge, Sankari.

For Petitioner :Mr.G.Ilanthiraiyan
for M/s.Sai Bharath and Ilan

For Respondent : Mr.M.Murali

ORDER

The petitioner has come up with this Civil Revision Petition for issuing a direction to the learned Subordinate Judge, Sankari, to take up the proceedings in HMOP.Nos.11 and 41 of 2012 together by way of joint trial as the issues are inter-connected in both the matters.

2. Heard the learned counsel for the petitioner and the

learned counsel for the respondent.

3. The petitioner has filed HMOP.No.41 of 2012 before the Subordinate Court, Sankari, praying for a decree of restitution of conjugal rights. The respondent on the other hand, filed HMOP.No.11 of 2012 praying for a decree for divorce. Both the matters are now pending before the Subordinate Court, Sankari. This Court had already directed the learned Trial Judge to dispose of the case as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of the order. The learned Trial Judge appears to have taken up the proceedings in HMOP.No.11 of 2012. Since HMOP.No.41 of 2012 was not taken up simultaneously, the petitioner has come up with this Civil Revision Petition.

4. The learned counsel for the respondent submitted that the petitioner failed to adduce evidence in HMOP.No.41 of 2012 and as such, the learned Trial Judge, Sankari, has directed the respondent to commence the proceedings in HMOP.No.11 of 2012.

5. There is no dispute that the proceedings in HMOP.Nos.11 and 41 of 2012 are inter-connected inasmuch as one is to grant a decree of restitution of conjugal rights and other

for grant of decree of divorce. It would be in the interest of both the parties, in case the two proceedings are taken up together by way of joint trial.

6. The learned Trial Judge is directed to complete the evidence in HMOP.No.11 of 2012 and thereafter, take up the proceedings in HMOP.No.41 of 2012 for evidence. The parties should be given a reasonable time to complete the cross-examination of the respective witnesses. In short, both the matters shall be taken up for disposal by way of joint trial.

7. The parties are directed to cooperate with the trial court for an earlier disposal of the proceedings taking into account the spirit of the order dated 29.07.2016 in Tr.CMP.Nos.423 and 424 of 2015.

The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2016

gv
Index : Yes/No
Internet: Yes/No

K.K.SASIDHARAN,J.

To

The Sub-Court, Sankari.

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