

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3755 of 2016

D.Sarathy ... Petitioner

Vs.

K.Divya ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India seeking direction to direct the learned Sub Judge, Kancheepuram to dispose the H.M.O.P.No.92 of 2014 on the file of the Sub Court, Kancheepuram within a time frame as fixed by this Hon'ble Court.

For Petitioner: Mr.S.Prabhu

ORDER

This Civil Revision Petition has been preferred by the petitioner, who is the petitioner in H.M.O.P.No.92 of 2014 under Section 12(i)(a) and 12(i)(c) of the Hindu Marriage Act for annulling the marriage on the ground of non consummation of marriage.

2. After long adjournments, counter in the H.M.O.P was filed by the wife on 19.11.2015 and enquiry was posted on 17.12.2015. On 25.02.2016, proof affidavit was filed by the petitioner herein as P.W.1 and he has also marked exhibits P1 to P9 as documents. When the matter was posted for cross examination of P.W.1 on 21.04.2016, on which day, the respondent seems to have filed an application in I.A.No.667 of 2016 under Section 24 of the Hindu Marriage Act for interim maintenance. Since the interlocutory application is pending, main original petition was not taken up till today. Hence, the petitioner has filed this petition seeking a direction to dispose of the H.M.O.P itself within a time frame to be fixed by this Court.

3. As the petition itself was filed for annulling the marriage, these kind of petitions would be disposed of at the earliest. Since counter affidavit has been filed by the respondent and P.W.1 has completed his chief examination and also marked the documents, the respondent ought to have completed the cross examination of the petitioner. It is made clear that the non filing of the proof affidavit itself is an exercise of procrastination. Hence, this Court is inclined to issue a direction to the Subordinate Court, Kancheepuram to dispose of

H.M.O.P.No.92 of 2014 itself on or before 29.02.2017 and report compliance before this Court. The parties are directed to cooperate for completion of the trial.

4. With the above said direction, this Civil Revision is disposed of. No costs.

5. Post the Civil Revision Petition for reporting compliance on 03.03.2016.

05.12.2016

Index : Yes/No

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To

The Sub Court,
Kancheepuram

PUSHPA SATHYANARAYANA.J

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