



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.2551of 2016 (PD)

Mani Maran

.....Petitioner/ Petitioner

Vs.

Rethikani

....Respondent/Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the Sub Court, Srivilliputtur to dispose the H.M.O.P.No.147 of 2012 within a specified time as framed by this Court.

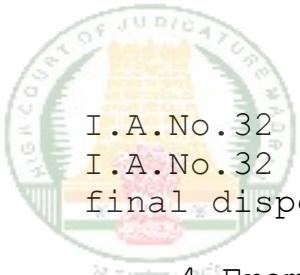
For Petitioner : Mr. K.P.Narayana Kumar

ORDER

The petitioner has filed this Civil Revision Petition to direct the Sub Court, Srivilliputtur to dispose the H.M.O.P.No.147 of 2012 within a time frame fixed by this Court.

2.The petitioner is the husband of the respondent. Originally, he filed H.M.O.P.No.123 of 2011 before the Sub Court, Aruppukottai, for divorce. The respondent filed Tr.O.P.No.2 of 2012 before the Principal District Court, Srivilliputhur at Virudhunagar District and the Principal District Judge ordered the Tr.O.P.No.2 of 2012 and transferred to the file of Sub Court, Srivilliputhur from the file of Sub Court, Aruppukottai and the same was re-numbered as H.M.O.P.No.147 of 2012. The respondent did not file counter and did not co-operate for early disposal of the H.M.O.P.No.123 of 2011 and is prolonging the matter. The respondent filed number of interim applications to drag-on the proceedings. Therefore, the petitioner filed C.R.P.Nos.129 and 130 of 2015 before this Court to dispose the H.M.O.P.No.147 of 2012 and I.A.No.90 of 2012. This Court, by the order, dated 30.01.2015 directed the learned Sub Judge, Srivilliputhur to dispose of I.A.No.90 of 2012 and H.M.O.P.No.147 of 2012 on or before 30.03.2015.

3.According to the petitioner, the respondent only thereafter, filed the counter, but is dragging on the proceedings by filing
<https://heservices.courts.gov.in/heservices/> interlocutory applications. Lastly, she filed I.A.No.32 of 2016 claiming educational expenses for minor son and the said



I.A.No.32 of 2016 was disposed. Even after disposal of the I.A.No.32 of 2016, H.M.O.P.No.147 of 2012 was not taken up for final disposal.

4.From the materials, it is seen that originally, the petitioner filed H.M.O.P.No.123 of 2011 before the Sub Court, Aruppukottai and subsequently, by the order, dated 26.06.2012 the said H.M.O.P.No.123 of 2011 was transferred to Sub Court, Srivilliputhur and re-numbered as H.M.O.P.No.147 of 2012. The petitioner on earlier occasion filed C.R.P(MD)Nos.129 and 130 of 2015 for speedy disposal of H.M.O.P.No.147 of 2012 and I.A.No.90 of 2012 in H.M.O.P.No.43 of 2010 stating that the respondent is dragging on the proceedings. This Court, by the order, dated 30.01.2015 directed the learned Sub Judge, Srivilliputhur to dispose of I.A.No.90 of 2012 and H.M.O.P.No.147 of 2012, on or before 30.03.2015. According to the petitioner, in spite of such direction, the respondent is dragging on the proceedings.

5.Considering the facts and circumstances of the case and the H.M.O.P., is of the year 2012, this Court directed the Sub Court, Srivilliputhur to dispose of I.A.No.90 of 2012 and H.M.O.P.No.147 of 2012 on or before 30.03.2015. In spite of such direction of this Court, the H.M.O.P.NO.147 of 2012 is not disposed of. Therefore, the learned Sub Judge, Srivilliputhur is directed to take up the H.M.O.P.No.147 of 2012 on day to day basis and dispose the same as expeditiously as possible, in any event, not later than 30.04.2017 and to file a compliance report before this Court.

6.With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

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To

1 The Sub-Ordinate Judge,
Srivilliputtur.

2 The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.K.P.Narayanakumar Advocate Sr.No. 81453

JAM/09.01.2017/SS 3/SAR 3/ 2p-4c

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