

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1605 of 2017

T.R.S.Pathy Senthil

.. Petitioner

Vs.

Aishwarya Pathy

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to dispose of the H.M.O.P.No.99 of 2012 on the file of the learned III Additional Subordinate Judge Camp Court, Mettupalayam, within a time limit fixed by this Court.

For Petitioner : Mr.M.Mohammed Riyaz

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned III Additional Subordinate Judge Camp Court, Mettupalayam, to dispose H.M.O.P.No.99 of 2012, within a stipulated period of time.

2. The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 20.11.2009 as per Hindu rites and customs. A female child was born in the wed lock, on 13.11.2010. Due to dispute between them, the petitioner filed H.M.O.P.No.99 of 2012 on the file of the learned III Additional Subordinate Judge Camp Court at Mettupalayam for divorce on the ground of cruelty and desertion. The petitioner also filed I.A.No.63 of 2013 under Section 26 of the Hindu Marriage Act, seeking custody of his minor daughter. The respondent/wife has filed I.A.No.94 of 2014, seeking interim maintenance for a sum of Rs.25,000/- as against the petitioner, under Section 24 of the Hindu Marriage Act, 1956. Both the applications are pending for adjudication. Apart from this, the respondent/wife filed H.M.O.P.No.131 of 2014 under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights and the same is also pending. As H.M.O.P.No.99 of 2012 is pending for more than four years without any progress, the petitioner has come out with this civil revision for early disposal of H.M.O.P.No.99 of 2012.

3. Heard the learned counsel appearing for the petitioner.

4. Having regard to the submissions made by the learned counsel for the petitioner, considering the limited prayer sought for in the civil revision petition and since the applications in I.A.Nos.63 of 2013 and 94 of 2014 are pending from the years 2013 and 2014 respectively, without expressing any opinion with regard to the merits of the matter, I direct the learned II Additional Subordinate Judge, Coimbatore, to dispose of the applications in I.A.Nos.63 of 2013 and 94 of 2014 in H.M.O.P.No.99 of 2012 on merits and in accordance with law, as expeditiously as possible, in any event, not later than 30th June 2017. Thereafter, the learned III Additional Subordinate Judge Camp Court, Mettupalayam, is directed to dispose H.M.O.P.No.99 of 2012 on merits and in accordance with law, as expeditiously as possible, in any event, not later than 30th September 2017.

5. The Civil Revision Petition is disposed of with the above direction. No costs.

28.04.2017

Index :Yes/No

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Note:Issue order copy on 28.04.2017.

V.M.VELUMANI,J.

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To

1.The III Additional Subordinate Judge Camp Court,
Mettupalayam.

2.II Additional Subordinate Judge, Coimbatore.

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