

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

CRP(NPD).No.1791 of 2017

and

CMP.No.8407 of 2017

1.V.Rajasekar

..Petitioner

Vs.

1.N.Bakkiyalakshmi

2.K.Karthikeyan

..Respondents

PRAYER:

Civil Revision Petition is filed under Article 227 of the Constitution of India against the Order dated 04.03.2017 passed in I.A.No.546 of 2016 in H.M.O.P.No.509 of 2014 on the file of Subordinate Judge, Poonamallee.

For petitioner:

Mr.V.Karthikeyan

ORDER

The petitioner has filed this Civil Revision Petition to set aside the Order dated 04.03.2017 passed in I.A.No.546 of 2016 n H.M.O.P.No.509 of 2014 on the file of Subordinate Judge, Poonamallee. The facts of the case is as follows.

2. The petitioner has filed the HMOP No.509 of 2014 before the Subordinate Judge, Poonamallee for divorce on the ground of cruelty and adultery. The notice was served to the first respondent. Having served the notice, the petitioner was set ex parte and subsequently ex parte order was passed. Then, the first respondent filed an application in I.A.No.546 of 2016 to condone the delay of 240 days in filing an application to set aside the ex parte order passed by the Subordinate Judge, Poonamallee. The aforesaid application was allowed by the Subordinate Judge, Poonamallee. Challenging the said order in I.A.No.546 of 2016, the petitioner has filed the Civil Revision Petition before this Court.

3. Heard, the learned counsel for the petitioner and perused, materials. During the course of the arguments, the counsel for the petitioner has submitted that the relief as prayed for in the present Civil Revision Petition can be moulded and it is suffice that this Court may direct the Subordinate Judge, Poonamallee to dispose of the HMOP within the time framed by this Court for the reason that the petitioner has already suffered for more than three years.

4. Taking into consideration the facts and circumstances of the case, without going into the merits of the case, considering the

submissions made by the counsel for the petitioner, this court is not inclined to entertain the Civil Revision Petition. Considering the request made by the counsel for the petitioner, the learned Sub Judge, Poonamallee to dispose of the HMOP No.509 of 2014 as expeditiously as possible on merits and in accordance with law, preferably within a period of six months from the date of receipt of a copy of this Order.

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

06.06.2017

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D. KRISHNAKUMAR.J

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To
The learned Subordinate Judge,
Poonamallee

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