



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.335 of 2017 (PD)

M.Vinothkumar .. Petitioner
Vs.
M.Vanitha .. Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Theni, to dispose of the case in H.M.O.P.No.191 of 2015 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.B.Brijesh Kishore

ORDER

This Civil Revision Petition is filed to direct the learned Subordinate Judge, Theni, to dispose of the case in H.M.O.P.No.191 of 2015, within a stipulated time that may be fixed by this Court.

2. The petitioner is the husband and the respondent is the wife. The petitioner filed H.M.O.P. seeking divorce from the respondent before the Subordinate Court, Uthamapalayam. According to the petitioner, he got married on 10.02.2011. Two children were born in the wedlock. Subsequently, misunderstanding arose between the parties and therefore, both the petitioner and the respondent are living separately. Hence, the petitioner has filed H.M.O.P. seeking divorce from the respondent.

3. The contention of the learned counsel for the petitioner is that the petitioner filed H.M.O.P.No.16 of 2015 against the respondent before the Subordinate Court, Uthamapalayam, Theni District. The respondent/wife filed Tr.C.M.P.(MD)No.126 of 2015 before this Court seeking to transfer the abovesaid H.M.O.P. and this Court, vide order dated 31.07.2015 disposed of the said Tr.C.M.P., directing the learned Subordinate Judge, Uthamapalayam, to transfer H.M.O.P.No.16 of 2015 to the Subordinate Court, Theni, and accordingly, the said H.M.O.P. was transferred to the Subordinate Court, Theni, and renumbered as H.M.O.P.No.191 of 2015. The further contention of the learned counsel for the petitioner is that the respondent filed counter affidavit on 06.04.2016 and the said H.M.O.P., is being adjourned without any



progress. In the circumstances, the petitioner has come out with the present Civil Revision Petition for the relief stated supra.

4. I have heard the learned counsel for the petitioner and perused the materials available on record.

5. Taking into consideration the material facts and circumstances, this Court is of the view that in the interest of justice, it may be expedient to issue a direction to the learned Subordinate Judge, Theni. Accordingly, this Civil Revision Petition is allowed and the learned Subordinate Judge, Theni, is directed to dispose of H.M.O.P.No.191 of 2015 as expeditiously as possible, in any event, not later than 31.07.2017. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Theni.

+1 cc to M/s.B.Brijesh Kumar, Advocate in SR.No.9431

smn2

CSL/PM-PN/01.03.2017 :2P/3C

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