



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.03.2018
CORAM :
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.703 of 2018

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E.Rajkamal

.. Petitioner/Petitioner

Vs.

C.Priya

.. Respondent /Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Theni to dispose of the HMOP. No.224 of 2015, within a time limit fixed by this Court.

For Petitioner : Mr.M.Eswaran

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Theni to dispose of the HMOP. No.224 of 2015, within a stipulated time as fixed by this Court.

2. The petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 30.08.2012 and after marriage, both of them lived happily and the respondent gave birth to a male child. According to the petitioner, during April 2015, the respondent took the child and went to her parents' house and thereafter, the respondent did not turn back to live with him and in spite of several requests, the respondent refused to come and live with him. Despite sincere efforts made by the elders, there is no possibility for reunion and hence the petitioner has filed a petition in HMOP.No.224 of 2015 seeking divorce.

3. The grievance of the petitioner is that the respondent, instead of contesting the petition, is taking mechanical adjournments and hence, the petitioner has come up with this civil revision petition for the aforesaid prayer.

4. Heard the learned Counsel for the petitioner and perused the materials available on record.

5. Since the case is for a limited relief of early disposal, no notice is necessary to the respondent.

6. A perusal of the 'B' Diary extract would go to show that the respondent/wife has filed an Interlocutory Application in I.A.No.22 of 2017, claiming interim maintenance and from that I.A.No.22 of 2017, it appears that the present petitioner is continuously taking adjournments for filing counter and the same is kept pending for a



long time. Therefore, in my considered opinion, ends of justice would be met, if the Court below is directed to dispose of the interim maintenance application in I.A.No.22 of 2017, within a stipulated period, for which the learned Counsel for the petitioner has no objection.

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7. In such a view of the matter, the learned Subordinate Judge, Theni, is directed to dispose of the Interlocutory Application in I.A.No.22 of 2017 in HMOP.No.224 of 2015, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. Thereafter, the learned Subordinate Judge shall consider the petition in HMOP.No.224 of 2015 and pass orders on merits and in accordance with law, within a further period of six months.

8. The Civil Revision Petition is ordered accordingly. No costs.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To
The Subordinate Judge,
Theni

+1cc to Mr.M.ESWARAN, Advocate, SR.No.58803

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RM
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