



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2018

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P (MD) (PD) .No.2339 of 2018

S.Maduraiveeran

... Petitioner/Petitioner

vs.

M.Pattu

... Respondent/Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to grant direction, directing the learned Sub Judge, Lalgudi to dispose of the HMOP.No.142 of 2018 on merits within time limit stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam

ORDER

This Civil Revision Petition is filed for a direction, directing the learned Sub Judge, Lalgudi to dispose of the HMOP.No.142 of 2018 within a time stipulated by this Court.

2. The petitioner is the husband, who filed originally HMOP.No.88 of 2015 before the learned Subordinate Judge, Thuraiyur. Later on, the same was transferred to the learned Subordinate Judge, Lalgudi and renumbered as HMOP.No.142 of 2018.

3. It is the case of the petitioner is that though the HMOP was filed in the year 2015 and the same was pending for more than 3-1/2 years and later on, due to bifurcation of the Court, the case was transferred to the learned Subordinate Judge, Lalgudi and the same is pending. Therefore, the petitioner has filed this Civil Revision Petition by invoking under Article 227 of the Constitution of India seeking for a direction to the learned Subordinate Judge, Lalgudi, to expedite the trial proceedings and complete the same within a particular period of time.

4. The learned counsel appearing for the petitioner submitted that another H.M.O.P.No.141 of 2018 was filed by the respondent/wife for restitution of conjugal rights and the same is pending before the learned Subordinate Judge, Lalgudi. He further submitted that both the H.M.O.Ps' may be clubbed together and a direction may be issued to the learned Subordinate Judge, Lalgudi to dispose of the same.

5. Heard the learned counsel for the petitioner and perused the documents filed by the petitioner and also 'B' Diary extract.



6. Admittedly, HMOP was filed in the year 2015 before the learned Subordinate Judge, Thuraiyur. But, it was transferred to the learned Subordinate Judge, Lalgudi and the same was renumbered as HMOP.No.142 of 2018. Though the petitioner filed a petition for divorce against the respondent/wife and the same is pending for more than 3 ½ years, without any further progress, this Court is inclined to pass the following order:-

“(a) this Civil Revision Petition is allowed.

(b) The learned Subordinate Judge, Lalgudi, is directed to dispose of both HMOP.Nos.141 and 142 of 2018, within a period of three months from the date of receipt of a copy of this order. Both the parties are directed to give the fullest co-operate for early disposal.

No costs.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Sub Judge, Lalgudi.

2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.D.Selvanayagam, Advocate, SR.No.90943

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RMK/PS

ES/SKN/RSK/SAR 3/28.11.2018/2P/5C