

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

CRP(PD) No.1640 of 2019

A. Divya

.. Petitioner

-VS-

P. Sivakumar

.. Respondent

Prayer: Civil Revision Petition under Article 227 of Constitution of India praying for a direction directing the II Additional Subordinate Judge, Coimbatore to dispose of the HMOP.No.30 of 2018 within the time frame to be fixed by this Court instead of adjourning the matter time to time and finally on 27.4.2019.

For Petitioner : Mr.N. Ponraj

ORDER

The petitioner filed petition in HMOP.No.30 of 2018 before the II Additional Subordinate Judge, Coimbatore under Section 11 of Hindu Marriage Act to set aside the alleged marriage said to have been solemnised on 15.09.2017 and to cancel the registration of the same.

2. The petitioner was promptly appearing before the Court and in fact, an exparte decree was passed on 23.4.2018. Thereafter, the respondent took steps to set aside the exparte order and the same was allowed on 11.8.2018. After the case was restored to file, the respondent failed to appear before the Court. The trial in the suit had commenced on 11.09.2018 and the petitioner

<http://www.judis.nic.in> was examined in chief on 24.09.2018. Thereafter, the respondent has taken 11

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hearings for completing the cross examination and it was finally completed on 11.12.2018, the case was posted for respondent side evidence on 20.12.2018, but for nearly ten hearings, the respondent failed to proceed with the matter. On 27.3.2019, again the respondent was set exparte for non appearance. On 5.4.2019 he filed a petition to set aside the order dated 27.3.2019.

3. Now that the petitioner is before this Court seeking expeditious disposal of their case.

4. From the adjudication, it can be seen that the respondent is closely following the case and that he had been deliberately delaying the disposal of the case.

5. Considering the facts and circumstances of the case, this Court is inclined to grant a direction to the II Additional Sub Court, Coimbatore to complete the trial within a period of three months from the date of receipt of a copy of this order. Within the aforesaid period, the respondent shall complete the evidence on his side and submit his arguments promptly. The Civil Revision Petition is ordered accordingly. No costs.

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Index:Yes/No
Internet:Yes/No
speaking order/non speaking order
To
The II Additional Subordinate Judge, Coimbatore

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