

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P. (PD) No. 2903 of 2019

Sri. T. Navaraj ... Petitioner

-Vs-

Smt. Indira Priyadarshini ... Respondent

Prayer : Petition filed under Article 227 of the Constitution of India to fix the time for speedy trial in H.M.O.P. No. 94 of 2017 by the Principal Sub-Judge Court at Chengalpet.

For Petitioner : T.V.G. Kartheeban

For Respondent : Mr. Manoj Sreevalsan

ORDER

सत्यमेव जयते

This Civil Revision Petition has been filed with a prayer seeking for a direction from this Court to fix the time frame for speedy trial of H.M.O.P. No. 94 of 2017 pending before the learned Principal Sub-Judge, Chengalpet.

2. Heard Mr. T.V.G. Kartheeban, learned counsel appearing for the revision petitioner and Mr. Manoj Sreevalsan, learned counsel appearing for the respondent.

3. Before the Court below, the revision petitioner / husband filed H.M.O.P. No. 94 of 2017 for dissolution of the marriage. In the said HMOP, subsequently an application has been filed i.e., I.A. No. 17 of 2018 by the respondent / wife seeking interim maintenance and also the respondent / wife filed I.A. No. 69 of 2018 seeking direction to return the Stridhana properties.

4. In this context, it is the case of the revision petitioner that, HMOP has been kept pending from the year 2017, in order to give a quietus to the issue, an early disposal can be directed to the Lower Court.

5. However, Mr. Manoj Sreevalsan, learned counsel appearing for the respondent would submit that, before deciding HMOP, I.A. No. 17 of 2018, filed for interim maintenance can be decided, as without

interim maintenance the respondent / wife is suffering a lot, hence suitable direction to decide the IA may be given.

6. I have considered the said submission made by both sides, since I.A. No. 17 of 2018 has been filed by the respondent / wife to seek for interim maintenance during the pendency of HMOP, IA could be decided on merits at the earliest.

7. Thereafter, insofar as the main HMOP is concerned, that can be decided within a time frame along with the I.A. No. 69 of 2018 filed by the respondent / wife, seeking direction to get back the Stridhana properties.

8. In view of the above, this Court is inclined to dispose of the Civil Revision Petition with the following directions:

"(i) That the Court below / the learned Principal Sub Judge, Chengalpet, is hereby directed to take up I.A. No. 17 of 2018 filed in H.M.O.P. No. 94 of 2017 and decide the same on merits and in accordance with law within a period of one month from the date of receipt of a copy of this order.

R. SURESH KUMAR, J.

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(ii) Thereafter, the learned Judge can take up the main HMOP and decide the same on merits and in accordance with law as expeditiously as possible preferably within a period of four months thereafter along with the I.A. No. 69 of 2018 also to be decided with the main HMOP within the said period."

9. With these directions, the Civil Revision Petition is disposed of. No costs.

04.11.2019

Index: Yes / No
Speaking order / Non speaking order

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To

The learned Principal Sub-Judge,
Chengalpet.

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