

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE R. PONGIAPPAN

C.R.P.(PD).No.3474 of 2019

V.Aishwarya

... Petitioner

vs.

S.Saikrishna

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India seeking to direct the learned Subordinate Judge, Tambaram to dispose the HMOP.No.294 of 2015 within a time frame to be stipulated by this Court.

For Petitioner : Mr.V.Anilkumar

ORDER

The petitioner in HMOP.No.294 of 2015 on the file of the learned Subordinate Judge, Tambaram is the petitioner herein, who has preferred this petition under Article 227 of the Constitution of India for the relief to direct the learned Subordinate Judge, Tambaram to dispose of HMOP.No.294 of 2015 within the time frame to be stipulated by this Court.

2. In earlier i.e., on 01.06.2015, the petitioner herein filed an application against the respondent who is her husband under Section 13(1)(i-a) and Section 25 of the Hindu Marriage Act, seeking for the relief to dissolve the marriage solemnized between her and the respondent which took place on 12.05.2014. In the said application, she has further pleaded the relief to direct the respondent to pay the permanent alimony a sum of Rs.15,00,000/- to the petitioner.

3. On receipt of summons from the above referred petition, the respondent herein filed a petition in HMOP.No.2927 of 2017, seeking the relief of restitution of conjugal rights as against the revision petitioner under Section 9 of the Hindu marriage Act, 1955. As of now, the said application is pending before the family court. Subsequent to the filing of this petition by the respondent for the relief of restitution of conjugal rights, the petitioner preferred an interlocutory application in I.A.No.376 of 2016 in HMOP.No.294 of 2015, in which, the learned Subordinate Judge, Tambaram directed the respondent to pay a sum of Rs.10,000/- per month as interim monthly maintenance.

4. Aggrieved by the order of interim monthly maintenance passed in I.A.No.376 of 2016 in HMOP.No.294 of 2015, the respondent herein preferred CRP.No.3250 of 2018 along with stay petition in CMP.No.18488 of 2018 before this Court. This Court by an order dated 26.10.2018, has granted an interim order, staying all the further proceedings in I.A.No.376 of 2016 on condition that the Respondent pays the petitioner a sum of Rs.1,50,000/- being a portion of the arrears subject to the outcome of the Revision Petition.

5. While that being so, the respondent herein continuously seeking adjournments in the proceedings in HMOP.No.294 of 2015. Only in the said circumstances, the petitioner has approached this Court for the speedy disposal of HMOP.No.294 of 2015.

6. Today when the petition is came up for hearing, the learned counsel appearing for the petitioner is present and made a submission that since the petitioner and the respondent are aged 26 and 34 respectively, early disposal of the application filed by the petitioner to dissolve the marriage will help either parties for making alternate arrangement in their life particularly in respect of family life.

7. Now on go through the pleadings set out in the petition filed by the petitioner before the learned Subordinate Judge, Tambaram, she made an allegation against the respondent as from the date of marriage onwards, the respondent harassed the petitioner without any reason.

8. In the said circumstance, if the petition filed by the petitioner is not disposed within the stipulated time, it will cause prejudice to the petitioner as well as to the respondent in choosing their future life. Hence, the prayer sought for in this petition is a reasonable one.

9. Accordingly, the learned Subordinate Judge, Tambaram is directed to dispose of the petition in HMOP.No.294 of 2015 filed by the petitioner as early as possible within a period of nine months from the date of receipt of a copy of this order.

10. With the above direction, this Civil Revision Petition is disposed of, accordingly. No costs.

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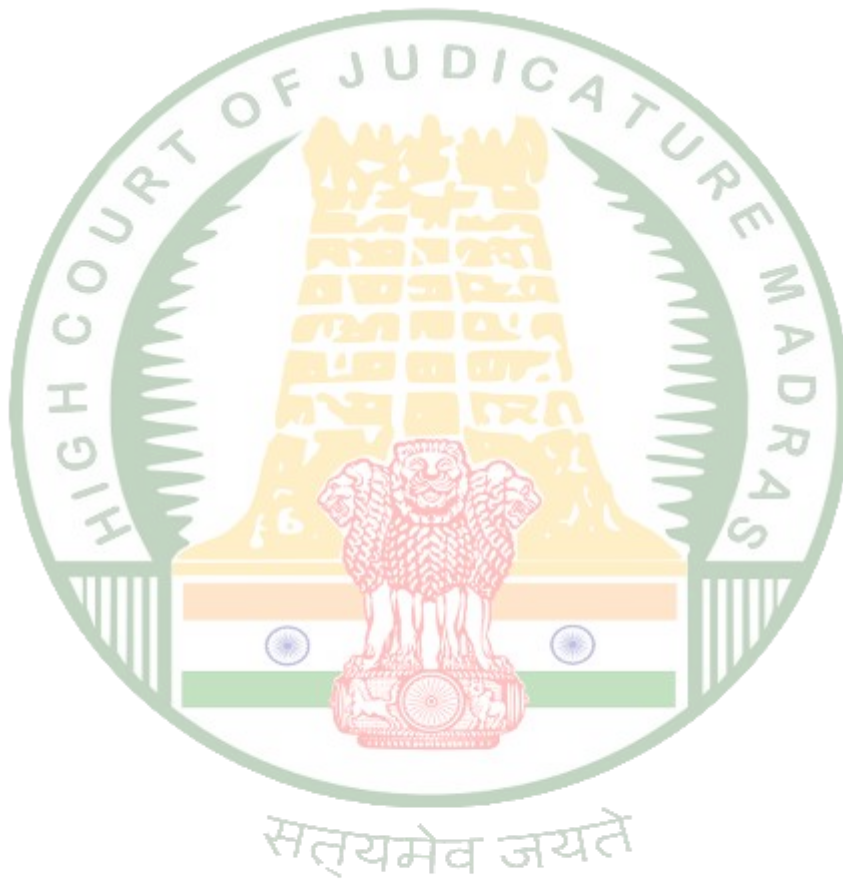
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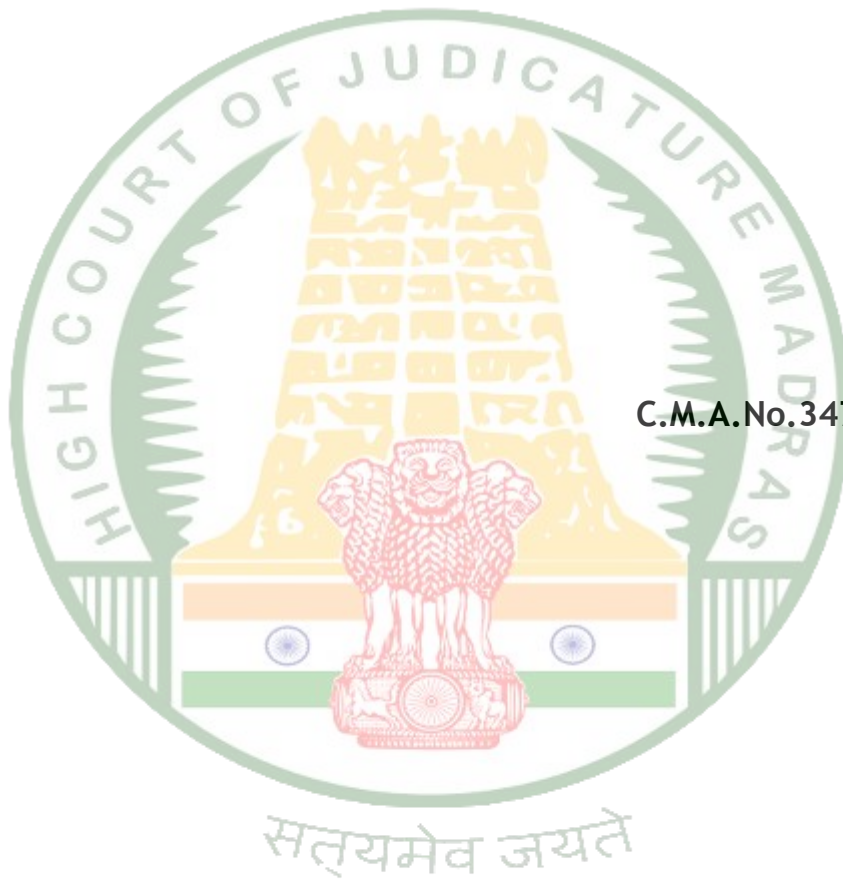
- 1.The Presiding Officer,
Sub Court, Tambaram.



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