

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Civil Revision Petition (PD) No.2930 of 2019

R.Seethalakshmi

... Petitioner

-Vs-

T.Mahendran

... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to direct the Sub Court, Tambaram to dispose of the petition in HMOP No.168 of 2018 pending on the file of Sub Court, Tambaram within a time bound manner.

For Petitioner : Mrs.V.S.Usha Rani

ORDER

This Civil Revision Petition has been filed with a prayer to give a direction to the Sub Court, Tambaram to dispose of the petition in HMOP No.168 of 2018 pending on the file of Sub Court, Tambaram within a time bound manner.

2. I have heard the learned counsel for the revision petitioner and also perused the materials placed on record.

3. When the case came up for hearing on 04.09.2019, this Court directed the Court below to give a report as to the stage of this H.M.O.P. as well as another

H.M.O.P, which was transferred and renumbered and they are pending before the same Court, and also wanted the Court below to furnish a report as to the list of pending cases before the said Court.

4. Pursuant to the said order of this Court, a report has been sent by the learned Sub Judge, Tambaram, wherein she has stated that, H.M.O.P.No.168 of 2018 was taken on file on 19.04.2018 and private notice was ordered on 30.08.2018 and after serving notice, the respondent entered appearance and it stands posted to 31.10.2019 for filing counter with a condition that no further adjournment will be given.

5. Likewise, H.M.O.P.No.1286 of 2018, on the file of the Family Court, Coimbatore was transferred to Sub Court, Tambaram, by the order of this Court in Tr.C.M.P.No.737 of 2018 in CMP No.17998 of 2018 dated 03.01.2019, which was renumbered as H.M.O.P.No.274 of 2019 and it came up for hearing on 09.04.2019 and again on 06.06.2019. As per the report of the learned Judge, both sides were not present on 06.06.2019 and therefore, it has been posted for hearing on 03.10.2019.

6. Further, the learned Judge has given the list of cases pending before the Court below, according to which, there are **5259** cases pending, out of which H.M.O.Ps constitute **1441** cases.

7. I have considered the said report submitted by the Court below and in view of the huge pendency of the cases in the said Court, numbering more than 5000, wherein H.M.O.P. itself constitutes around 1400, it may not be justifiable for this Court to fix a rigid time frame by which the present H.M.O.Ps have to be decided.

8. However, since the H.M.O.P.No.168 of 2018 is posted on 31.10.2019 and the other H.M.O.P.No.274 of 2019 is posted on 03.10.2019, both the H.M.O.Ps. are directed to be clubbed together and a date can be fixed for commencing the hearing and at any rate the said H.M.O.Ps. shall be decided by the Court below, as expeditiously as possible, preferably within a period of nine (9) months from the date of receipt of a copy of this order. With this direction, the Civil Revision Petition is disposed of. No costs.

सत्यमेव जयते

18-09-2019

Internet : yes / no

Index : yes / no

KST

To

Sub Judge, Tambaram.

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R. SURESH KUMAR, J.

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