



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU**C.R.P. (PD) (MD) No.401 of 2019**

WEB COPY

T.Arunachalam

...Petitioner/Husband

-Vs-

1.Srividya

...1st Respondent/Wife

2.B.Gajendran

...2nd Respondent/Adulterer

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to pass any order or suitable order or direction to the Principal Subordinate Court, Tiruchirappalli to dispose of the divorce petition, expeditiously in H.M.O.P.No.187 of 2016 filed by the petitioner /husband on 14.08.2014.

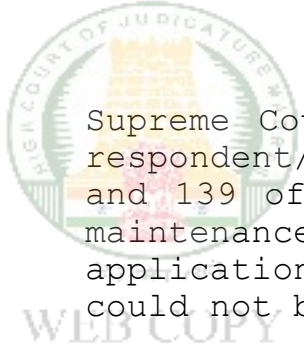
For Petitioner : Mr.N.Ananda Kumar

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Principal Subordinate Judge, Trichirappalli to dispose of the divorce petition in H.M.O.P.No.187 of 2016 as expeditiously as possible.

2.On perusal of record discloses that this Court by order dated 11.11.2013, directed the Principal Subordinate Judge, Tiruchirappalli to dispose the case in H.M.O.P.No.172 of 2012 within a period of three months from the date of receipt of a copy of the order. Subsequently by order dated 23.03.2016 in Tr.C.M.P.No.112 of 2016, this Court once again directed the learned Judge to dispose the case as expeditiously as possible.

3.It is seen that the petition in H.M.O.P.No.172 of 2012 was filed by the respondent/wife on the ground of cruelty and impotent. H.M.O.P.No.187 of 2016 was filed by the petitioner/husband for the relief of divorce on the ground of adultery and desertion. When both petitions are pending for joint trial, the respondent/wife has filed an application in I.A.No.99 of 2016 in H.M.O.P.No.172 of 2012 for medical examination of the petitioner/husband and the same was dismissed on 28.04.2017. The said order was challenged by the respondent/wife under C.R.P.No.1181 of 2017 before this Court and stay was granted. Though initially stay was granted, later it has been dismissed. Against which, the respondent/wife has preferred S.L.P(Civil) No.7674 of 2018 before the Hon'ble Supreme Court and the same was dismissed on 28.03.2018, since the said S.L.P itself was withdrawn by the wife. Further, it is seen that the petitioner/husband was examined as P.W.1 in H.M.O.P.No.187 of 2016 on 19.06.2017. Due to the pendency of the above Civil Revision Petition before this Court as well as S.L.P before the Hon'ble



Supreme Court, P.W.1 was not cross examined. In the meantime, the respondent/wife has filed the applications in I.A.Nos.138 of 2017 and 139 of 2017 for the relief of litigation expenses and interim maintenance. The learned Judge has stated that since the application for interim maintenance is pending, the main H.M.O.P could not be proceeded.

4.The learned Judge should keep in mind that the petitioner has come forward with the present application for early disposal of the H.M.O.P.No.187 of 2016. The interim application has been filed only for maintenance and both the petitioner as well as the respondent have filed the petitions for divorce. Considering the facts and circumstances of the case, there is no need for the learned Judge to keep the H.M.O.P pending and hence, the learned Principal Subordinate Judge, Trichirappalli is directed to dispose the H.M.O.P.No.187 of 2016, without allowing either parties to prolong the case unnecessarily. Both parties are directed to co-operate with the trial for speedy disposal of the case. If any of the parties did not co-operate with the trial, the learned Judge shall proceed the case on its own merits and in accordance with law and dispose the same within a period of three months from the date of receipt of a copy of this order.

5.With the above directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Subordinate Judge
Trichirappalli.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 COPIES)
+2cc to Mr.N.ANANDAKUMAR, Advocate, SR.No.72345

C.R.P. (PD) (MD) No.401 of 2019

28.06.2019

MSA

KK/SAR/01.07.2019/2P-6C