



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.923 of 2019 (PD)

WEB COPY

B.Ragini

... Petitioner/
Petitioner

Vs.

V.Balamurugan

... Respondent /
Respondent

PRAYER:- Civil Miscellaneous Petitions filed under Article 227 of the Constitution of India, praying to direct the learned Principal Subordinate Court, Tiruchirapalli to expedite the trial and dispose of H.M.O.P.No.423 of 2017 pending on his file within a stipulated time.

For petitioner : Mr.A.Sankararama Subramanian

ORDER

This civil revision petition has been filed by the petitioner seeking a direction to the learned Principal Subordinate Judge, Tiruchirapalli, to expedite the trial and dispose of H.M.O.P.No.423 of 2017 pending on his file within a stipulated time.

2. The learned counsel for the petitioner submitted that the marriage between petitioner and the respondent was solemnized on 18.11.1999 and they lived together for some time. In the year 2017, due to difference of opinion, the petitioner filed H.M.O.P.No.423 of 2017 for divorce on the Principal Subordinate Court, Tiruchirapalli. He would further submit that as per Section 21(b) of the Hindu Marriage Act, every petition filed under the Act shall be tried as expeditiously as possible and the trial shall be concluded within a period of six months from the date of service of notice on the petition. The grievance of the petitioner is that though the H.M.O.P. has been filed in the year 2017 and the respondent was made *ex parte* as early as on 26.10.2018 for not filing counter, the H.M.O.P. has been periodically adjourned only for recording *ex parte* evidence and no progress is made. The petitioner is ready to cooperate with the Court below. Hence, she has filed this revision petition seeking a direction for early disposal of the said petition.

3. Heard the learned counsel for the petitioner and perused the materials available on record.



4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondent by ordering this petition, this Court is of the view that notice need not be sent to the respondent.

5. Considering the year of the H.M.O.P and also considering the submission of the learned counsel for the petitioner that the H.M.O.P. has been pending only for ex parte evidence, this Court is inclined to issue the following direction to the Court below:

The learned Principal Subordinate Judge, Tiruchirapalli, is directed to dispose of H.M.O.P.No.423 of 2017 on merits and in accordance with law, as early as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. In the event of pendency of a petition for restitution of conjugal rights against the petitioner before the same Court, the Court below shall try both the cases together and dispose of the same within the time stipulated above.

6. This revision petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Principal Subordinate Judge,
Tiruchirapalli.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.SANKARARAMA SUBRAMANIAN, Advocate SR-69825.

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CS: (27/06/2019) 2P 5C