



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.924 of 2019 (PD)

D.Rajesh

... Petitioner/Petitioner

Vs.

V.Karthiga

... Respondent /Respondent

PRAYER:- Civil Miscellaneous Petitions filed under Article 227 of the Constitution of India, praying to direct the learned Family Court Judge, Madurai to dispose of H.M.O.P.No.498 of 2016 pending on his file within a stipulated time.

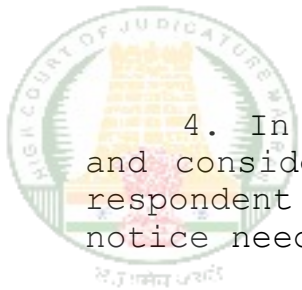
For petitioner

: Mr.S.Sethuraman

ORDER

This civil revision petition has been filed by the petitioner seeking a direction to the learned Family Court Judge, Madurai to dispose of H.M.O.P.No.498 of 2016 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 20.11.2014 and they lived together for some time. In the year 2016, due to difference of opinion, the petitioner filed H.M.O.P.No.498 of 2016 for divorce on the Family Court, Madurai. 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 2016, the respondent has been intentionally dragging on the matter one way or the other. The petitioner is ready to cooperate with the Court below. Hence, he has filed this revision petition seeking a direction for early disposal of the said petition.



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 submission of the learned counsel for the petitioner and also considering the year of the H.M.O.P, this Court is inclined to issue the following direction to the Court below:

The learned Family Court Judge, Madurai, is directed to dispose of H.M.O.P.No.498 of 2016 on merits and in accordance with law, as early as possible, preferably within a period of three months from the date of receipt of a copy of this order. In the event of pendency of a petition for restitution of conjugal rights or maintenance against the petitioner before the same Court, the learned Family Court Judge, Madurai shall try both the cases together and dispose of the same within the time stipulated above. Both the parties are directed to cooperate with the Court below for early disposal of the case.

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

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Family Court Judge,
Madurai.

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

+2 CC to Mr.S.SETHURAMAN, Advocate SR-69691.

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CS: (26/06/2019) 2P 5C