



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P. (PD) (MD) No.1128 of 2019

WEB COPY

J.Vinod Veera

... Petitioner

Vs.

K.Pratheema

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Principal Subordinate Judge, Trichy for speedy disposal of H.M.O.P.No.28 of 2018 on the file of the Principal Subordinate Court, Trichy, within a time frame to be stipulated by this Court.

For Petitioner : Mr.T.Antony Arul Raj

ORDER

The petitioner in H.M.O.P.No.28 of 2018 on the file of the learned Principal Subordinate Judge, Trichy, is the revision petitioner herein. This application has been filed by the petitioner under Article 227 of Constitution of India for a direction to the learned Principal Subordinate Judge, Tiruchy to dispose of H.M.O.P.No.28 of 2018 within a time frame.

2.It is the case of the petitioner that the marriage between the petitioner and respondent took place on 20.08.2015 at Sivapooja Silver Jubilee Hall, Gandhi Nagar, Pennadam Road, Virudhachalam as per the Hindu customs and rituals. After 50 days from the date of marriage, the respondent left the matrimonial house particularly on 09.10.2015 and joined with her parents. Thereafter, the efforts taken by the elders for reunion, are ended in vein. However during the course of conciliation, the respondent has agreed for mutual divorce. Believing the words of respondent, Rs.7,25,000/- was fixed as permanent alimony, which was agreed by the respondent also. After preparing all the memorandums, all of a sudden, the respondent and her parents are turned back and not ready for amicable settlement.

3.In the said circumstances, the petitioner has filed a petition before the learned Principal Subordinate Judge, Trichy, seeking the relief of dissolution of marriage. After numbering the application filed by the petitioner as H.M.O.P No.28 of 2018, the learned Principal Subordinate Judge, Trichy, repeatedly adjourned the case for filing counter, especially from 18.06.2018



to 26.07.2019. At this juncture, it is relevant to see the provisions made in Civil Procedure Code that counter has to be filed by

the respondent within a period of 90 days from the date of entering into appearance. The entries made in the notespaper would categorically prove that the learned Principal Subordinate Judge has liberal in granting adjournment for filing counter. It is automatic if the provision laid down in the Code of Civil Procedure has not been followed, the petitioner will suffer. Only in the said circumstances, the petitioner approached this Court and filed this petition for the relief as referred above. However, on considering the other circumstances, the H.M.O.P has been filed only on 29.01.2018. So it cannot be termed that the case filed by the petitioner, is a long pending one. However, the case is repeatedly adjourned for the past one year only for the purpose of receiving counter. I am of the considered opinion that it is necessary to give some direction to the learned Principal Subordinate Judge, Trichy to dispose of H.M.O.P No.28 of 2018 within a specific time.

4.Considering the facts and circumstances of this case, the learned Principal Subordinate Judge, Trichy, is directed to dispose of H.M.O.P No.28 of 2018 within a period of six months from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To
The Principal Subordinate Judge, Trichy.

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate SR-75783.

C.R.P. (PD) (MD) No.1128 of 2019

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