



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.08.2019
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
C.R.P (MD) No.1248 of 2019

WEB COPY

R.Gopalakrishnan

... Petitioner/Respondent

Vs.

K.Sutharchana

... Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the Sub Court, Theni to expedite the trial in H.M.O.P.No.188 of 2017 on its file, within a time frame as may be fixed by this Court.

For petitioner : Mr.S.Kanagarajan

ORDER

This civil revision petition has been filed by the petitioner seeking for a direction to the Sub Court, Theni to dispose of H.M.O.P.No.188 of 2017 within a stipulated time.

2.According to the petitioner, the marriage between the petitioner and the respondent was solemnized on 08.07.2012. After marriage, both of them lived happily for some time. Thereafter, since the respondent harassed him mentally and physically, he filed H.M.O.P.No.19 of 2016 before the Family Court, Dindigul, seeking divorce and the same was transferred to the Sub Court Theni, on filing transfer petition by the respondent and numbered as H.M.O.P.No.188 of 2017. The petitioner's side evidence was closed and the case is posted for cross-examination of the respondent. The grievance of the petitioner is that though the divorce petition has been filed in the year 2017, the respondent/wife has not appeared before the Court below for the purpose of cross-examination and therefore, he has filed this revision petition seeking a direction for early disposal of the suit.

3.Heard the learned counsel for the petitioner. In view of the limited relief sought for by the petitioner and also considering the fact that the disposal of the divorce petition would not cause any prejudice to the respondent, this Court is of the view that notice need not be sent to the respondent.

4.Considering fact that the divorce petition has been pending from 2017 onwards and also considering the submission of the learned counsel appearing for the petitioner, this Court, without advertng to the merits of the case, is inclined to direct the Court below to dispose of H.M.O.P.No.188 of 2017 on merits and in



accordance with law as early as possible, preferably within a period of six months from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of H.M.O.P.No.188 of 2017.

5. Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sub Judge,
Theni.
2. The Record Keeper,
V.R. Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.KANAGARAJAN, Advocate (SR-79087[F] dated 01/08/2019)

ORDER MADE IN
C.R.P (MD) No.1248 of 2019
01.08.2019

smn

MK (14.08.2019) 2P 5C