



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.08.2019
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD)No.1523 of 2019

R.Vengadesh

.. Petitioner/Petitioner

Vs.

T.Gayathiri

.. Respondent/ Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the Family Court, Nagercoil to expedite the trial in H.M.O.P.No.20 of 2019 on the file of the Family Court, Nagercoil and dispose the same within a time limit as stipulated by this Court.

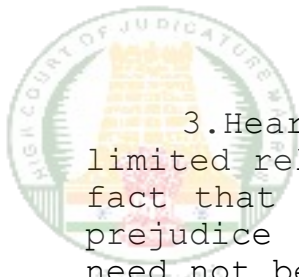
For petitioner

: Mr.M.Maharaja

ORDER

This civil revision petition has been filed by the petitioner seeking for a direction to the Family Court, Nagercoil to dispose of H.M.O.P.No.20 of 2019 within a stipulated time.

2.According to the petitioner, the marriage between the petitioner and the respondent was solemnized on 12.05.2015. After marriage, both of them lived happily for some time. Since the respondent / wife deserted the petitioner and left the matrimonial home, the petitioner filed H.M.O.P.No.19 of 2018 seeking divorce before the Family Court, Trichy. The respondent / wife has filed a transfer civil miscellaneous petition before this Court seeking to transfer H.M.O.P.No.19 of 2018 to the Family Court, Nagercoil and the same was allowed and H.M.O.P.No.19 of 2018 was transferred to the Family Court, Nagercoil and renumbered as H.M.O.P.No.20 of 2019. The respondent / wife has filed H.M.O.P.No.162 of 2017 before the First Additional Sub Court, Nagercoil, seeking restitution of conjugal rights and the same was transferred to the Family Court, Nagercoil and renumbered as H.M.O.P.No.158 of 2018. The grievance of the petitioner is that though the petitioner has filed the divorce petition filed in the year 2018, the same has been adjourned on several occasions without any valid reason. Since the petitioner being a resident of Trichy, it is very difficult for him to travel about 400 kms from Trichy to Nagercoil for attending each and every hearing of the case. Therefore, he has filed this revision petition seeking a direction for early disposal of H.M.O.P.No.20 of 2019.



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.

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4.Considering fact that the divorce petition has been pending from 2018 onwards and also considering the submission of the learned counsel appearing for the petitioner, this Court, without advertting to the merits of the case, is inclined to direct the Court below to dispose of H.M.O.P.No.20 of 2019 on merits and in accordance with law as early as possible, preferably within a period of one year 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.20 of 2019.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judge,
Family Court,
Nagercoil.

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

+1CC to Mr.M.Maharajan, Advocate, SR.No. 84670.

**ORDER MADE IN
C.R.P (MD)No.1523 of 2019**

30.08.2019

CS(17.09.2019) 2P 5C