

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2020

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

C.R.P(PD)No.1093 of 2020

S.Dilli Babu

...Petitioner

Versus

S.Premalatha

...Respondent

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to expedite trial in the above H.M.O.P.No.368 of 2018 on the file of the Court of Subordinate Judge, at Tambaram filed by the respondent against the petitioner by fixing the period for completion of the trial.

For Petitioner : Mr.N.Ramachandran

ORDER

The relief sought for in the present Civil Revision Petition is to expedite the trial in H.M.O.P.No.368 of 2018 on the file of the Subordinate Court, Tambaram filed by the respondent.

2. The brief facts of the case are as follows:

The petitioner and the respondent are husband and wife. They got married on 04.06.2017 at Arasan Thirumana Mandapam, Chrompet, Chennai. While so, the respondent wife had given a complaint against the petitioner husband regarding dowry harassment. The complaint given by the respondent wife has been registered by All Women Police Station Poonamallee vide CSR No.106 of 2018 dated 14.02.2018. The respondent wife has not able to lead a smooth and happy life with the petitioner husband. However, she has waited for reunion with her husband. The petitioner husband had issued legal notice dated 05.04.2018 to the respondent wife. He wants to get divorce from the respondent wife and that he mentioned false averments in his legal notice.

2.1 Though the respondent wife and her parents had taken more steps for reunion with the petitioner husband, however, all the efforts were ended in vain. Hence, the respondent wife has filed H.M.O.P.No.368 of 2018 for the following reliefs:

(i) for a decree of divorce by dissolving the marriage between the respondent and the petitioner performed by way of Hindu Rights and Customs on 04.06.2017 at Arasan Thirumana Mandapam, Chrompet, Chennai - 600 044, on the grounds of cruelty and mental agony.

(ii) directing the petitioner husband to pay costs to the petition.

(iii) directing the petitioner husband to make the permanent alimony of Rs.50,00,000/- (Rupees Fifty Lakhs) to the respondent.

2.2 The respondent wife has also filed a petition under Domestic Violence Act in DVC No.7 of 2019 against the petitioner husband and the same is pending on the file of the Judicial Magistrate Court, Tambaram.

3. The learned counsel for the petitioner submitted that the respondent wife has filed the aforesaid H.M.O.P.No.368 of 2018 against the petitioner for dissolution of marriage held between her and the petitioner on 04.06.2017 on the grounds of cruelty and mental agony. Within three months of the marriage, the respondent wife left the matrimonial home and

gave a false complaint against the petitioner husband. The respondent wife had also taken back all her Sreedhana Articles and belongings from her matrimonial home. He further submitted that the petitioner husband has filed a counter in the said H.M.O.P, however, the respondent wife has not come forward to commence the trial. The respondent wife has wantonly dragged the proceedings, without filing proof affidavit for a period of one year. She filed her proof affidavit only on 25.10.2019. The trial Court closed the respondent's side evidence on 20.01.2020 and posted the matter for petitioner's side witness on 03.02.2020. On 03.02.2020, the respondent wife was absent and that the matter was adjourned to 17.02.2020. Thereafter, on 17.02.2020, the respondent wife filed reopen petition for Cross Examination of P.W.1. Now the said H.M.O.P. is pending on the file of Subordinate Court, Tambaram.

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

5. In view of the submission made by the petitioner's counsel, this Court is of the opinion that it would be appropriate to direct the learned Subordinate Judge, Tambaram to dispose of the said H.M.O.P. as early as possible.

6. Accordingly, this Court directs the learned Subordinate Judge, Tambaram to dispose of H.M.O.P.No.368 of 2018, as expeditiously as possible within a period of six months from the date of receipt of a copy of this order.

7. This Civil Revision Petition is disposed of with the above direction. No costs.

mrr

Index : Yes/No

To

The Subordinate Judge,
Tambaram.

5/6

11.03.2020

WEB COPY

D.KRISHNAKUMAR, J.,

mrr



C.R.P(PD)No.1093 of 2020

11.03.2020

WEB COPY