

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.R.P.(PD).No.1136 of 2019
and
C.M.P.No.7360 of 2019

K.Gunasekaran

...Petitioner

T.Prema

Vs

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Indian Constitution to set aside the Fair and decreetal order dated 22.10.2018 made in I.A.No.28 of 2018 in H.M.O.P.No.159 of 2017 by the Sub-ordinate Judge, Ranipet, Vellore District allow the present Civil Revision Petition.

For Petitioner : Mr.K.Balakrishnan
For Respondent : Mr.Mukunth

ORDER

This Civil Revision Petition has been filed to set aside the order dated 22.10.2018 made in I.A.No.28 of 2018 in H.M.O.P.No.159 of 2017 passed by the Sub-ordinate Judge, Ranipet, Vellore District.

2.The Revision petitioner is the respondent/Gunasekaran and he is the husband and petitioner/ Prema is the wife in H.M.O.P.No 159 of 2017 and the respondent/husband filed H.M.O.P seeking to declare the marriage as null and void and in that O.P, the respondent's wife filed I.A.No.28 of 2018 for interim maintenance claiming a sum of Rs.15,000/- per month. The trial Court, after considering the argument of the parties, ordered for interim maintenance of Rs 3,000/- and ordered to pay litigation expenses per month. Against which, the husband filed this petition.

3.After hearing both sides, the trial judge has dismissed the petition on the ground that the petitioner is not entitled to compel the respondent to undergo medical examination.

4.Thereafter against the order of the trial Court passed in

I.A.No.28 of 2018 in H.M.O.P.No.159 of 2017 dated 22.10.2018, the petitioner is before this Court with the present prayer.

5.The learned counsel for the petitioner has submitted that the respondent/Gunasekaran is the husband and petitioner/ Prema is the wife in H.M.O.P.No 159 of 2017 and the respondent/husband filed H.M.O.P seeking to declare the marriage as null and void. In that O.P, the respondent's wife filed I.A.No.28 of 2018 for interim maintenance claiming a sum of Rs.15,000/- per month. The trial Court after considering the argument of the parties, ordered interim maintenance of Rs 3,000/- and ordered to pay litigation expenses Rs.5000/- against which, the husband filed this petition. Now, pleaded to give direction to the trial Court to dispose of the case within the time frame.

6.The counsel for the respondent also said no objection regarding the submissions of the petitioner.

.SIVAGNANAM.J,

vsn

7.Heard the learned counsel for both the parties and perused the materials available on record.

8.Considering the submissions, made by the counsels for the parties, the Revision Petition is dismissed and the trial Court is hereby directed to dispose of H.M.O.P.No.159 of 2017 within a period of two months from the date of receipt of a copy of this order.

9.With the above direction, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.No costs.

Index: Yes/No
Speaking Order: Yes/No
vsn

16.12.2020

C.R.P.(PD). No.1136 of 19
and C.M.P.No.9360 of 2019