

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD) No.584 of 2021

A. Parthiban, ... Petitioner

Vs.

G. Sathya ... Respondent

Prayer: This Civil Revision Petition filed under Article 227 constitution of India seeking for a direction to the Hon'ble Sub-ordinate Court, Poonamallee, to dispose of HMOP No.483 of 2018 at an early date within such time as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner

... Mr.PL. Narayanan

For Respondent

... No Appearance

ORDER

This Civil Revision Petition has been filed under Article 227 constitution of India seeking for a direction to the Sub-ordinate Court, Poonamallee to dispose of the case pending in HMOP No.483 of 2018 in a time bound manner.

2. The case of the petitioner is that the petitioner herein is the husband and the respondent herein is the wife and their marriage took place on 30.06.2014 as per Hindu Rites and Customs at Vandayar Mahal Thirumana Mandapam and their marriage was also registered with the Joint Registrar-I, Thanjavur as Marriage Sl.No.311 of 2014 dated 04.08.2014. Due to the misunderstanding and dispute between the petitioner-Husband and the respondent-Wife, the HMOP No.483 of 2018 has been filed by the petitioner-husband on the file of the Sub-Court, Poonamallee, seeking for divorce by dissolving the marriage that took place between the petitioner and the respondent on 30.06.2014 at Vandayar Mahal Thirumana Mandapam on the ground of cruelty and desertion as per Section 13(1)(ia) of the Hindu Marriage Act. As the said

HMOP filed in October 2018, is still pending before the Court below without final disposal, the petitioner has filed the present Civil Revision Petition to direct the Sub-Court, Poonamallee, to dispose of the aforesaid case, in a time bound manner.

3. The learned Counsel appearing for the petitioner would submit that if the petitioner and the respondent are in the middle age of 36 and 31 years respectively, at this age, they can decide their future life. If the case in HMOP No.584 of 2021 is being adjourned from time to time without any valid reasons, the petitioner will be put to untold hardship and irreparable loss to make over his life. In the early disposal of the HMOP only , both parties can choose their appropriate life at the right time. Hence, this Court may direct the Court below to dispose of the case at an early date as expeditiously as possible.

4. Heard, the learned counsel for the petitioner as well as perused the material available on record.

5. On a perusal of the record, it is seen that the said HMOP No.483 of 2018 was filed in July 2018 before the Sub- Court, Poonamallee. Subsequent to the filing of the case, the case has been adjourned for awaiting of report and filing counter up to 16.04.2019. Thereafter, I.A. No.268 of 2019 has been filed and the same was allowed by order dated 04.07.2019. Subsequently, on 15.10.2019, documents have been marked on the side of the petitioner herein as Ex.P1 to Ex.P8 and the case has been adjourned to 10.12.2019 for Cross examination of P.W1. In furtherance of partly cross examination of P.W1 on 21.01.2020, the matter has been posted for further cross examination on 11.02.2020. In the meanwhile, I.A. No.48 of 2020 has been filed. While this matter is moving step by step, the matter is stuck up before the Trial Court due to Covid-19 Lockdown upto 22.02.2020. After the Lockdown, as on 07.01.2021, the matter has been posted for continuation of P.W.1 cross examination.

6. Under these circumstances, having taken into consideration of the facts and circumstances of the case and the case is of the year 2018, the Trial Court is directed to continue the further cross examination of

P.W1 and other side and complete the Trial on or before July 2021.
Accordingly, the Trial court is directed to dispose of HMOP No.483 of 2018 in accordance with law as expeditiously as possible.

7. In the result, this Civil Revision Petition stands disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

19.03.2021

Lbm

Index: Yes/No.
Speaking/Non-Speaking order
Internet: Yes/No.

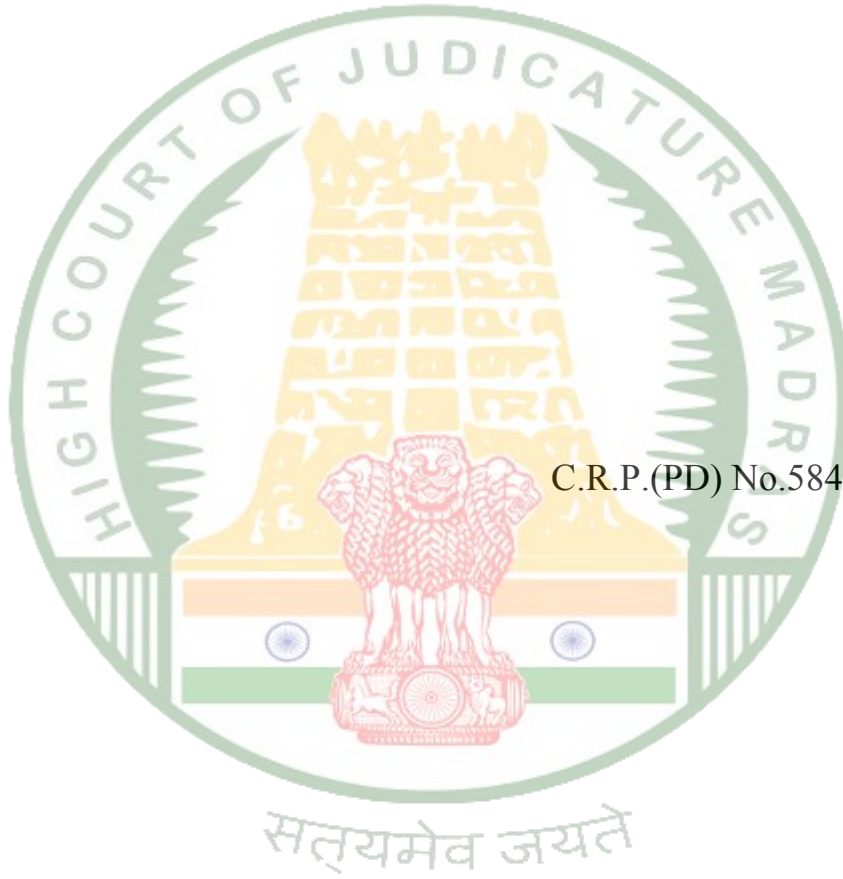
To: The Sub-ordinate Court,
Poonamallee

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V. BHAVANI SUBBAROYAN, J.,

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