

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

C O R A M

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.NO.2319 OF 2020

G.Sai Ramji @ Vettrichelvan

.. Petitioner

Vs.

V.Maragatha Valli |@ Pavithra

.. Respondent

Prayer:-

This Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Sub-Ordinate Court, Poonamallee to dispose the HMOP No.369 of 2017 within the time fixed by this Court.

For Petitioner Mr.Om Sai Ram

For Respondent No appearance

O R D E R

The Civil Revision Petition has been filed praying to direct the Sub-Ordinate Court, Poonamallee to dispose the HMOP No.369 of 2017 within the time fixed by this Court.

2. The petitioner herein is the husband and respondent herein is wife. Their marriage was solemnized on 18.05.2017 at Kumbakonam. The petitioner came to understand on 20.05.2017 that the respondent is suffering from convulsive Epilepsy and also mental disorder which was suppressed by the respondent and her family members. In this connection, petitioner's mother had lodged a complaint with all women police station, Ambattur, on 25.05.2017. On the next day, all jewels and silver articles received as Seedhana were returned to the respondent's mother. The petitioner was cheated by suppressing the respondent's mental disorder and conducted marriage and thereby his dreams of happy married life was shattered. Therefore, the petitioner has filed petition in HMOP No.369 of 2017 on the file of Sub-Court, Poonamallee, under Section 12(c) of Hindu Marriage Act seeking for annulling the marriage solemnized between the petitioner and

the respondent on 18.05.2017 in view of suppressing of material fact. Since the same is pending before the Court below, the petitioner has filed the present Civil Revision petition seeking for to dispose the case within time as fixed by this Court.

3. The learned counsel for the petitioner would submit that the HMOP No.369 of 2017 is pending before the Sub-Ordinate Court, Poonamallee for more than 3 years without filing counter on the side of the respondent. The case in HMOP No.369 of 2017 is adjourned from time to time on various purpose without attaining finality which is still pending for more than 3 years without any valid reasons. Hence, considering the facts and circumstances of the case, the Court may be pleased to direct the Court below to dispose the case within the time fixed by this Court.

4. On a perusal of the records, it is seen that on hearing, the respondent has not filed the Counter from the date of first hearing on 07.12.2017. In the meanwhile, the case was adjourned to be posted before the Lok adalat for amicable settlement. Thereafter, it was adjourned till 17.03.2020 for recording evidence and marking documents and then interim applications had been filed by both parties which were pending before the Court below. Thereafter, the case has been adjourned further due to pandemic of Covid-19. In the absence of the counter on the side of the respondent, this Court cannot compel the Sub-Court, Poonamallee by fixing time limit for the disposal of the case. Hence, the respondent herein is directed to file Counter statement in HMOP No.369 of 2017 within four weeks from the date of receipt of copy of this Order. The petitioner shall communicate the same to the Court below by producing the copy of the order of this Court. After filing the counter on the side of the respondent, the Court below shall proceed further in the case of HMOP No.369 of 2017 in accordance with law and dispose the same within a period of Six months from the date of receipt of copy of this order.

5. With the above directions, the Civil Revision petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Lbm

To:

The Sub-Ordinate Court,
Poonamalle.

+1cc to Mr.Om Sai Ram, Advocate, S.R.No.562

C.R.P.No.2319 of 2020

GP (CO)
CS/09/02/2021



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