



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.49 of 2021

Sivasindu ... Petitioner
vs.

P.Shalin ... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to dispose the case in HMOP.No.76/2020 pending on the file of the IIIrd Additional Sub Court, Madurai, within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.V.Manikandan

ORDER

The above revision petition has been filed for a direction to the IIIrd Additional Sub Court, Madurai, for early disposal of HMOP.Nos.76 and 167/2020 within a time frame to be fixed by this Court.

2.The learned counsel for the petitioner would contend that the marriage between the petitioner and the respondent was solemnized on 03.03.2019 and there was no cohabitation from the day one and according to the petitioner, the respondent had cheated her as if he is a male and he was also not willing for mutual consent divorce. While so, on 08.11.2019, the respondent filed HMOP.No.1191/2019 before the Family Court, Madurai, for divorce and thereafter, the petitioner also filed a petition in HMOP.No.76/2020 before the IIIrd Additional Sub Court, Madurai, for divorce. The petitioner filed Tr.O.P.No.90/2020 before the Principal District Judge, Madurai, to transfer HMOP.No.1191/2019 from the Family Court, Madurai, to the IIIrd Additional Sub Court, Madurai, to be tried along with HMOP.No.76/2020 which was allowed on 29.10.2020 and both the cases are now pending before the IIIrd Additional Sub Court, Madurai, and on transfer, HMOP.No.1191/2019 was renumbered as HMOP.No.167/2020. Now the petitioner seeks direction for early disposal of the above cases.

3.Since it is only a petition for early disposal of the HMOPs and since no adverse order is going to be passed against the respondent, notice to him is not necessary.



4.Considering the facts and circumstances of the case where both the petitioner and respondent have sought the relief of divorce, ends of justice would be met by directing the Court below to dispose of the cases within a time frame. Accordingly, the learned IIIrd Additional Sub Judge, Madurai, is directed to conduct a joint trial of HMOP.No.76/2020 and HMOP.No.167/2020 and dispose of the same in accordance with law, within a period of six months from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1)The IIIrd Additional Sub Judge,
Madurai.

2)The Record Keeper-2 copies
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Registrar Judicial
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.V.MANIKANDAN, Advocate (SR-2096[F] dated 27/01/2021)

ORDER MADE IN
C.R.P(MD)No.49 of 2021
DATED : 25.01.2021

KM (10.02.2021) 2P 6C