



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.495 of 2021

WEB COPY

Gokilavani

... Revision Petitioner/Petitioner

-Vs-

Rajkumar

...Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Court, Devakottai to dispose of the case in H.M.O.P.No.140 of 2019, within a time frame as fixed by this Court.

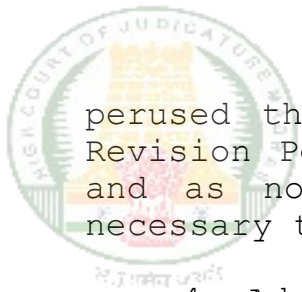
For Petitioner : Mr.K.Navaneetharaja

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Court, Devakottai to dispose of the petition in H.M.O.P.No.140 of 2019, on the file of the Subordinate Court, Devakottai, within the time stipulated by this Court.

2. The learned counsel for the revision petitioner would submit that the revision petitioner has filed a divorce petition in H.M.O.P.No.140 of 2019, on the file of the learned Subordinate Judge, Devakottai. He would further submit that the marriage between the petitioner and the respondent was taken place on 21.08.2016 at Vijaya Mahal, Karaikudi. The respondent-husband is working at Canada. The respondent-husband refused to live with the petitioner without assigning any reason. On 10.07.2019 the respondent-husband came to India and he filed an application in H.M.O.P.No.133 of 2019 for the relief of restitution of conjugal rights before the learned Subordinate Court, Devakottai, where the another H.M.O.P.No.140 of 2019 is also pending. The grievance of the petitioner is that, though the respondent-husband very well aware that the petitioner has filed the petition against him, he wantonly evade from receiving the notice and again went back to Canada. Hence, till date the notice in H.M.O.P.No.140 of 2019 is not able to serve on the respondent-husband. It is also stated that in order to harass the petitioner and to protract the cases without letting the cases to get finality, the respondent-husband with the mala fide intention evading his appearance before the trial Court. Hence, the petitioner is constrained to move the present revision petition before this Court for getting speedy disposal of the suit in H.M.O.P.No.140 of 2019.

3. Heard the learned counsel for the revision petitioner and



perused the materials placed before this Court. Since this Civil Revision Petition is filed only for an early disposal of the suit and as no adverse order is going to be passed, no notice is necessary to the respondent herein.

4. Admittedly, the petition filed by the respondent-husband in H.M.O.P.No.133 of 2019 is also pending for trial before the very same Court. Though the respondent-husband is residing in Canada, he has been represented through his counsel and therefore, it is the specific contention of the learned counsel for the petitioner that the respondent-husband is evading in receiving the notice in H.M.O.P.No.140 of 2019.

5. Considering the facts and circumstances of the case, the learned counsel for the revision petitioner is permitted to serve notice to the learned counsel for the respondent-husband in H.M.O.P.No.133 of 2019. The learned Judge, Subordinate Court, Devakottai shall proceed with these cases and dispose of both cases in H.M.O.P.No.133 of 2019 and H.M.O.P.No.140 of 2019, on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

6. With the above directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Subordinate Court,
Devakottai.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.(2C)

Copy to
The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.

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