



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P. (MD) .No.701 of 2021

Pitchaiah : Petitioner

Vs.

S.Muthuselvi : Respondent

PRAYER:- Petition is filed under Article 227 of the Constitution of India, to direct the Sub-Court, Tiruchendur to dispose of HMOP.No.242 of 2017 pending therein within the time fixed by this Court.

For petitioner : Mr.N.Vignesh

ORDER

The revision has been filed seeking a direction to dispose of the petition in HMOP.No.242 of 2017 on the file of the Subordinate Court, Tiruchendur within a time specified by this Court.

2.The revision petitioner/husband has filed a petition for divorce in HMOP.No.249 of 2016 against the respondent on the file of the family Court, Tirunelveli and that the respondent/wife has filed a petition in HMOP.No.3 of 2017 for restitution of conjugal rights before the Subordinate Court, Thoothukudi. It is not in dispute that subsequently, as per the orders passed in Tr.C.M.P.No.56 of 2017, the case in HMOP.No.249 of 2016 was transferred to the Court of Thoothukudi and renumbered as HMOP.No.138 of 2017 and that subsequently, HMOP.No.3 of 2017 was transferred to the Subordinate Court, Tiruchendur and renumbered as HMOP.No.242 of 2017 and that as per the orders passed in Tr.O.P.No.28 of 2018, the case in HMOP.No.138 of 2017 was transferred to Subordinate Court, Tiruchendur and renumbered as HMOP.No.126 of 2019. It is not in dispute that the petition for divorce filed by the husband and petition for restitution of conjugal rights filed by the wife are pending before the Subordinate Court, Tiruchendur.

3.The main contention of the revision petitioner is that the trial Court without considering the scope of relief was adjourning the case periodically without any justification and that therefore, the case has to be expedited. It is pertinent to mention that the High Court has already issued Circulars to the District Judiciary directing the Courts to give priority to the cases relating to the



Senior Citizens, HIV affected persons, Defence personnal, women and children etc. It is not the case of the revision petitioner that he has come under any of the above category of the cases. More over, the revision petitioner without approaching the trial Court has directly approached this Court for the earlier trial. In the absence of total pendency particulars and the work burden of that particular Court, this Court is not inclined to give any direction to dispose of the case within the specified period of time.

4.No doubt, the trial Court is required to give priority to the cases as per the Circulars of the High Court. The revision petitioner is at liberty to approach the trial Court and if such requisition is made, the trial Court is required to consider the same in the light of the Circulars of the High Court.

5.With the above observation and directions, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

To

The Subordinate Judge, Tiruchendur.

K.MURALI SHANKAR,J.

rmk

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