



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2021

CORAM

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P(MD) No. 1128 of 2021

M. Balamurugan

... Revision Petitioner/Respondent

Vs.

Vimala

...Respondents/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to allow this Civil Revision Petition and direct the Sub-Court, Virudhunagar to expedite the trial of the H.M.O.P. No.145 of 2019 club with H.M.O.P. No.93 of 2020 on the file of the Sub Court, Virudhunagar within a stipulated time frame fixed by this Court.

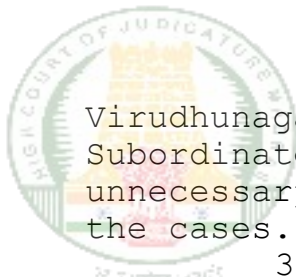
For Petitioner : Mr.S. Sivaprakash

O R D E R

The Civil Revision Petition has been filed to direct the Sub-Court, Virudhunagar to expedite the trial of the H.M.O.P. No.145 of 2019 club with H.M.O.P. No.93 of 2020 on the file of the Sub Court, Virudhunagar.

2.The learned counsel for the petitioner would submit that the petitioner / husband has filed a petition in HMOP No.1000 of 2019 on the file of the Family Court, Madurai. The respondent / wife had also filed a petition in HMOP No.145 of 2019 seeking for restitution of conjugal rights. When both the petitions were pending, the respondent / wife had approached this Court by filing a Transfer Civil Miscellaneous Petition in Tr.C.M.P.(MD) No.492 of 2019 seeking for transfer of HMOP No.1000 of 2019 on the file of the Family Court, Madurai, to the file of the Subordinate Court, Virudhunagar, and this Court by order, dated 16.09.2020, had allowed the transfer application and the said petition was transferred from the file of the Family Court, Madurai to the file of the Subordinate Court, Virudhunagar. After transfer, the said petition has been renumbered as HMOP No.93 of 2020. Further, no order has been passed for joint trial of both cases. Hence, the present petition has been filed seeking for joint trial and to complete the trial as expeditiously as possible.

3.The learned counsel for the petitioner would further submit that though the respondent / wife is working in the High Court for the reasons best known to her, she had sought for the petition to transfer from the file of the Family Court, Madurai to the Subordinate Court, Virudhunagar. After transferring the case, the respondent not appeared before the Subordinate Court,



Virudhunagar, whereas the petitioner has appeared before the Subordinate Court, Virudhunagar, for every hearing and is put to unnecessary hardship and thereby, seeking for early disposal of both the cases.

3. Considering the limited prayer sought for in the Civil Revision Petition, notice to the respondent is deemed unnecessary.

4. From the 'B' Diary extract produced by the petitioner, it is seen that the case is being adjourned for enquiry from 01.04.2021.

5. Considering the above facts and circumstances of the case and the submission of the learned counsel for the Petitioner, this Court is inclined to pass the following order :

"The learned Subordinate Judge, Virudhunagar, is directed to dispose of HMOP No.145 of 2019 along with HMOP.No.93 of 2020 pending on its file, as per law, as early as possible, preferably within a period of nine months from the date of receipt of copy of this order."

6. With the above direction, the Civil Revision Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// 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 Subordinate Judge, Virudhunagar.

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

C.R.P (MD) No. 1128 of 2021
19.08.2021

MGJ(27.08.2021) 2P 4C