



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

C.R.P.No.2987 of 2022 and  
C.M.P.No.16185 of 2022

Gopi Kuppuraj .. Petitioner

VS

Uma .. Respondent

**Prayer:** Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 07.04.2022 made in I.A.No.23 of 2018 in H.M.O.P.No.88 of 2017 on the file of the Sub Ordinate judge, Harur by allowing this civil revision petition

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.C.Prabakaran

**ORDER**

The fair and decretal order dated 07.04.2022 passed in I.A.No.23 of 2018 in H.M.O.P.No.88 of 2017 is under challenge in the present revision petition.



2. The marriage between the petitioner and the respondent was solemnized on 25.03.2010 as per the Hindu Rites and Customs. Due to misunderstanding, both the petitioner and the respondent are living separately.

3. The revision petitioner files H.M.O.P.No.181 of 2011 for desolation of marriage, which was originally instituted in the year 2011 i.e., on 01.08.2011 on the file of the Sub Court, Dharmapuri, which was transferred to the Sub Court Harur and renumbered as H.M.O.P.No.88 of 2017.

4. During the pendency of the divorce petition, the respondent / wife filed I.A.No.23 of 2018 for grant of maintenance. Though the H.M.O.P was filed in the year 2011, the maintenance petition was filed in the year 2018. The reason being that the respondent / wife also possessing the qualification of M.C.A and was working in a Polytechnic. The learned counsel for the respondent states that she was working in a polytechnic and subsequently resigned the post and now unemployed.



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5. The divorce petition is pending for the past 11 years and the maintenance petition was filed in the year 2018 and till such time, the respondent / wife was working in a Polytechnic. The earlier petition filed in M.C.No.4 of 2013 was subsequently dismissed and till such time the respondent was receiving the maintenance amount. However, the fact remains that the respondent / wife is possessing the qualification of M.C.A., which is a Masters Degree and admittedly she was working in a Polytechnic and presently she states that she is not working.

6. The petitioner is ready and willing to pay a sum of Rs.5,000/- towards monthly maintenance to the respondent and he is continuously paying the said amount without any default. While so, it is preferable to direct the Trial Court to adjudicate the issues and dispose of the H.M.O.P filed for grant of divorce.

7. All the issues regarding the settlement or otherwise is to be considered during the adjudication of the H.M.O.P filed by the petitioner. Considering the fact that the H.M.O.P is pending for the past about 11



years, the Sub Court Dharmapuri is directed to dispose of the H.M.O.P.No.88 of 2017 within a period of four weeks from the date of receipt of a copy of this order.

8. The petitioner and the respondent are directed to cooperate for earlier disposal of the petition. In the event of any non-cooperation by the parties, the Trial Court shall record the same and in such circumstances, they are not entitled to seek any relief merely on the ground of delay in disposing of the petition. The Trial Court is directed not to grant unnecessary adjournment on flimsy grounds. In the event of any adjournments on any genuine grounds, the same shall be recorded. Therefore, the trial is to be conducted on a day-to-day basis and to be disposed of.

9. Accordingly, the civil revision petition stands disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes  
Speaking order  
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To

1.The Sub Court, Dharmapuri.

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**S.M.SUBRAMANIAM, J.**

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