



CRP.No.3342 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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G.Kannan

... Petitioner

Vs.

Kaviya Sri

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Court, Omalur, Salem District to expedite the proceedings of the suit in HMOP.No.57 of 2022 pending on the file of the learned Subordinate Court, Omalur, Salem District and conclude the same within the time frame that may be fixed by this Court.



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For Petitioner : Mr.M.Anandan

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ORDER

This Civil Revision Petition is filed seeking a direction to the Subordinate Court, Omalur, Salem District, to dispose of the petition for restitution of conjugal rights filed by the petitioner/husband in HMOP.No.57 of 2022.

2. Having regard to the limited prayer made in this revision, this Court is inclined to dispose of the revision, even without notice to the respondent.

3. The learned counsel for the petitioner submitted that originally the husband filed the petition for restitution of conjugal rights in FCOP.No.2209 of 2019 before the Principal Family Court, Chennai. In the said OP initially an exparte decree was passed, subsequently, it was set aside at the instance of the respondent/wife.



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4. When the matter was posted for enquiry, the respondent/wife filed a transfer application before the High Court and got the OP transferred to Subordinate Court, Omalur, Salem District. Therefore, the matter was re-numbered as HMOP.No.57 of 2022 on the file of the Subordinate Court, Omalur, Salem.

5. The perusal of the docket entry filed in the typed set of papers would suggest, the entire records were received by the Subordinate Court, Omalur, Salem District, on 08.04.2022 and on 01.07.2022, the counsel appeared before the Court, both for the petitioner and the respondent and at their request, the matter was referred to Mediation. Subsequently, the matter has been adjourned from time to time awaiting the Mediation report.

6. In the facts and circumstances of this case, this Court is inclined to issue a direction to the Court below to dispose of the OP within a period of six months from the date of receipt of Mediation



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report. If the matter is settled in Mediation, the Court below can record the same and pass orders in accordance with law. In case, the matter is not settled, the Court below has to proceed with the OP and dispose of it within a period of six months from the date of receipt of failure report.

7. With the above direction, this Civil Revision Petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Subordinate Court, Omalur, Salem District
- 2.The Principal Family Court, Chennai.



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