



CRP(PD)(MD)No.1540 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1540 of 2021

Sathya

... Petitioner

versus

Karthick

Rep. by his Court Guardian
Advocate Mr.Chandra Vijay)

... Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 12.08.2021 made in I.A.No.1 of 2019 in H.M.O.P.No.146 of 2018 on the file of the Family Court, Sivagangai.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.D.Venkatachalam



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ORDER

The petitioner in H.M.O.P.No.146 of 2018 has filed this Civil Revision Petition, against the order dated 12.08.2021 made in H.M.O.P.No.146 of 2018 on the file of the Family Court, Sivagangai.

2. The learned counsel appearing for the petitioner submits that the petitioner herein is the wife and the respondent herein is the husband. Their marriage was solemnized on 25.04.2016 as per Hindu Rites and Customs and out of the wedlock, a female child was born to them on 12.08.2017. After the marriage, the petitioner was subjected to cruelty and she was also driven out of the matrimonial home while she was pregnant. On 14.10.2017, the respondent/husband met with a road accident, sustained serious injuries and was in coma stage. Thereafter, the petitioner/wife has filed the petition in H.M.O.P.No.146 of 2018 before the Family Court, Sivagangai, for divorce and the same is still pending. The respondent was produced before the Court in a



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Wheel Chair on 12.08.2021 and he was not able to understand the question put to him by the trial Court. The petitioner has raised a ground of physical impotency of the respondent and therefore, the learned Judge, Family Court, ordered for medical examination holding that the physical impotency of the respondent can be ascertained only after the medical test and adjourned the matter for further hearings. Now, the grievance of the petitioner is that the divorce petition in H.M.O.P.No.146 of 2018 is pending for the past four years and condition of the respondent is also incurable. Therefore, the learned counsel for the petitioner requests this Court for a direction to the trial Court, for early disposal of H.M.O.P.No.146 of 2018.

3. The learned counsel appearing for the respondent submits that the respondent met with a road accident and sustained serious injuries. Since the petitioner has raised a ground of physical impotency of the respondent, the learned Family Judge ordered for medical examination. *Inter alia*, she also raised several allegations against the respondent and



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his parents.

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4. This Court considered the rival submissions made and also perused the materials available on record.

5. The petitioner herein has filed the divorce petition in H.M.O.P.No.146 of 2018 on the ground of cruelty and the same is still pending before the Family Court, Sivagangai. Since the petitioner has raised a ground of physical impotency of the respondent, the learned trial Judge, Family Court, Sivagangai, ordered for medical examination. Now, the petitioner claims that she is not insisting/pressing the ground of cruelty and other grounds.

6. In view of the above, the learned Judge/Family Court, Sivagangai, is directed to proceed with the divorce petition in H.M.O.P.No.146 of 2018 on medical grounds alone, as expeditiously as possible, preferably within a period of six months from the date of



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receipt of a copy of this order.

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

08.11.2022

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Index : Yes / No.

Internet : Yes / No.

To

1. The Family Court,
Sivagangai.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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