



Tr.C.M.P.Nos.429 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.4.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

**Tr.C.M.P.No.429 of 2023
and Cr.M.P.No.9554 of 2023**

M.Suresh

... Petitioner

Vs.

K.Revathi

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.26 of 2022 on the file of the Subordinate Judge, Thiruchengode and transfer the same to the Family Court, Namakkal.

For Petitioner : Mr.S.Sheik Ismail

ORDER

This petition is filed seeking to withdraw and transfer the proceedings in H.M.O.P.No.26 of 2022 from the file of the Subordinate Court, Thiruchengode, to the file of the Family Court, Namakkal.

2. Heard Mr.S.Sheik Ismail, learned counsel for the petitioner and perused the records.



Tr.C.M.P.Nos.429 of 2023

3. The learned counsel for the petitioner taken this Court to the order passed by this Court in Tr.C.M.P.No.645 of 2021, dated 01.12.2021, wherein, this Court has transferred F.C.O.P.No.40 of 2021 from the file of the Family Court, Namakkal to the file of the Subordinate Court, Tiruchengode which was re-numbered as H.M.O.P.No.26 of 2022. In the said petition, this Court specifically directed the Subordinate Court, Tiruchengode to dispose the matter within a period of eight months from the date of receipt of papers from the Family Court, Namakkal.

4. It is submitted by the learned counsel for the petitioner that, in spite of two years from the date of passing of the said order dated 01.12.2021, still there is no progress in the enquiry and the trial Court could not take steps to see that the matter is disposed of as directed by this Court. The petitioner therefore, now seeks for re-transfer of the said case to the Family Court, Namakkal, from the Subordinate Court, Tiruchengode. It is also submitted that enquiry in this case has already been commenced by the learned Sub Judge, Tiruchengode.

5. Considering the circumstances of the case and having gone through the order passed by this Court earlier in Tr.C.M.P.No.645 of 2021, this



Tr.C.M.P.Nos.429 of 2023

Court is of the opinion that the learned trial Judge should have scrupulously complied with the directions or sought for extension of time, instead, the trial Court went on to adjourn the matter without even giving specific direction to the parties to get ready for trial.

6. In view of the above, this Civil Revision Petition is disposed off with a direction to the learned Subordinate Judge, Tiruchengode to dispose of H.M.O.P.No.26 of 2022 as expeditiously as possible, not later than four months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.4.2023

Note : Issue order copy on 02.5.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms



WEB COPY



Tr.C.M.P.Nos.429 of 2023

DR.D.NAGARJUN, J.,

ms

To

1. The Subordinate Judge,
Thiruchengode.
2. The Presiding Officer,
Family Court,
Namakkal.

**Tr.C.M.P.No.429 of 2023
and
Cr.M.P.No.9554 of 2023**

27.4.2023