



C.R.P. No. 2604 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2604 of 2023

K.R. Prakash

...Petitioner

.Vs.

1. S. Maheswari

2. S. Balaji

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned Family Judge, Salem to expedite the trial and dispose the H.M.O.P.No. 380 of 2019 on the file of the learned Family Judge, Salem within a time frame and pass orders.

For Petitioner

: Mr. D.S. Haroon Rashed



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ORDER

This petition is filed seeking a direction to expedite the trial and dispose the H.M.O.P.No. 380 of 2019 on the file of the learned Family Judge, Salem within a time frame

2. The facts of the case are that the petitioner married the respondent on 10.03.2016 and out of the said wedlock one male child was born to them. It was to the shock and surprise to the petitioner that his wife/ first respondent herein had an illegal affair with the second respondent and the same was evident from the photos and chat messages which was available in the mobile phone of the first respondent. When the petitioner enquired about the said issue, the first respondent also admitted her guilt. Therefore, the petitioner filed H.M.O.P.No.380 of 2019 on the ground of adultery and cruelty and when the same was pending, the petitioner has approached this Court in C.R.P.No.2321 of 2021 and this Court vide order dated 27.10.2021 disposed the same with a direction to the learned Family Judge, Salem to dispose the above H.M.O.P as expeditiously as possible. Subsequently when the said H.M.O.P was posted for hearing on 15.11.2021,



the respondents sought adjournment for filing counter, likewise they sought adjournment till 05.03.2022. Whiles, when the matter was posted for cross examining R1 on 11.07.2022, the petitioner sought four weeks time and the matter was continuously adjourned till 14.02.2023. On 14.02.2023, I.A.No.5 of 2023 was filed by the respondent and the same was allowed on 25.04.2023 and posted for cross examination of P.W.1. However, till date the first respondent has not come forward for cross examining P.W.1, hence there is no progress in the above H.M.O.P and the same is pending till date. Hence this petition.

3. The learned counsel for the petitioner submitted that the learned trial Judge erred in adjourning the matter periodically for want of cross examining the P.W.1 by the first respondent without assigning any valid reasons for the past two years, as a result of which, the H.M.O.P filed by the petitioner was pending. He further submitted that the respondents are not willing to conduct the trial and dragging the case unnecessarily. Hence prays this Court, to issue a direction to the trial Court to dispose of the above H.M.O.P as early as possible.



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4. On a perusal of records it is made clear, that this Court is of the view, that inspite of the directions issued by this Court in C.R.P.No.2321 of 2021 to dispose of the case, the matter was pending for cross examination of P.W.1 for the past two years.

5. In view of the above, the learned Family Judge, Salem is directed to complete the trial and cross examination of P.W.1 within a period of four months from the date of receipt of a copy of this order and further directs the Trial Court to dispose of the H.M.O.P.No. 380 of 2019 on the file of the learned Family Judge, Salem within a period of six months from the date of receipt of a copy of this order.

5. With the above directions, this Civil Revision Petition is disposed of. No order as to costs.

01.08.2023

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Index : Yes/No

Internet: Yes/No

To.

1. The learned Family Judge, Salem.

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V.BHAVANI SUBBAROYAN,J.
Smn

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