



C.R.P(MD)No.1360 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1360 of 2023

M.Essaki

...Petitioner/Petitioner

Vs.

Subbulakshmi

...Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, directing the Family Court, Tuticorin to dispose of H.M.O.P.No.307 of 2022 within a specific time frame.

For Petitioner : Mr.S.Ananad Chandrasekar
For M/s.Sarvabhauman Associates

ORDER

The present Civil Revision Petition has been filed to direct the Family Court, Tuticorin to dispose of H.M.O.P.No.307 of 2022.

2. The petitioner is employed with Indian Army. At the time when the petitioner had filed the above H.M.O.P. for restitution of conjugal



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rights under Section 9 of the Hindu Marriage Act, 1955, the petitioner was in Jammu and Kashmir. It is submitted that the petitioner had earlier filed H.M.O.P.No.288 of 2021 for restitution of conjugal rights. However, on 26.10.2022, the petitioner withdrew the same, the efforts for mediation between the petitioner and the respondent failed.

3. Under these circumstances, the petitioner has now filed H.M.O.P.No.307 of 2022 for dissolving the marriage solemnised between the petitioner and the respondent on the ground of cruelty and desertion.

4. The learned counsel for the petitioner submits that the petitioner is posted in the Indian Army and is holding a transferrable job depending on the exigency at the border. Hence, prays for early disposal of H.M.O.P.No.307 of 2022.

5. It is noticed that H.M.O.P.No.307 of 2022 was filed only on 22.10.2022 and it was not numbered till December 2022. Considering the above, there cannot be a direction for early disposal.



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6. Considering the fact that the petitioner is employed with the Indian Army, there shall be a direction to permit the petitioner to appear through counsel for routine hearing except for the hearing when the petitioner's physical appearance is required. The Family Court, Tuticorin shall endeavour to dispose of the H.M.O.P.No.307 of 2022 as expeditiously as possible after summons are served on the respondent.

7. The present Civil Revision Petition stands disposed of with the above observations. No costs.

13.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.The Family Court,
Tuticorin.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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