



C.R.P.(MD) Nos.2122 & 2123 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) Nos.2122 & 2123 of 2023

S.Kiruthiha

... Petitioner in
both C.R.Ps.

Vs.

M.Sathyaraj

... Respondent in
both C.R.Ps.

Common Prayer: These Civil Revision Petitions filed under Article 227 of the Constitution of India, to grant an order of direction to the Subordinate Court, Devakottai to expedite the trial in H.M.O.P.Nos.213 & 157 of 2022 respectively on its file and complete the proceedings within a period stipulated by this Court.

For Petitioner
in both C.R.Ps.

: Mr.A.Hajamohideen

COMMON ORDER

These Civil Revision Petitions are preferred by the petitioner for speedy disposal of H.M.O.P.Nos.213 & 157 of 2022 on the file of the Subordinate Court, Devakottai.



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2. These Civil Revision Petitions filed by the petitioner are only for speedy disposal of H.M.O.Ps., the notice for the respondent is not required and is therefore dispensed with.

3. According to the petitioner/wife, the respondent/husband filed H.M.O.P.No.1267 of 2021 before the Additional Family Court, Coimbatore for restitution of conjugal rights. At the same time, the petitioner/wife filed H.M.O.P.No.157 of 2022 before the Subordinate Court, Devakottai. Since the petitioner/wife was unable to attend the Court at Coimbatore, she filed Tr.C.M.P.(MD) No.431 of 2021 before this Court for transfer of H.M.O.P.No. 1267 of 2021 from the Additional Family Court, Coimbatore to the Subordinate Court, Devakottai. The said Tr.C.M.P. was allowed on 22.07.2022. Thereafter, H.M.O.P.No.1267 of 2021 was transferred to the Subordinate Court, Devakottai and re-numbered as H.M.O.P.No.213 of 2022. Now both H.M.O.Ps. are pending before the Subordinate Court, Devakottai.

4. It is submitted that H.M.O.P.No.157 of 2022 filed by the petitioner was posted on 11.11.2022, 09.01.2023, 03.02.2023 for issue of service and posted on 15.03.2023, 04.07.2023 and 04.08.2023 for counter. However, the



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respondent/husband did not file his counter in H.M.O.P.No.157 of 2022 and dodging the matter.

5. It is submitted that H.M.O.P.No.213 of 2022 filed by the respondent was posted on 06.12.2022, 09.02.2023, 28.03.2023, 20.06.2023 for appearance and posted on 21.08.2023 for counter and the respondent is simply dragging on the proceedings.

6. It is submitted that the respondent/husband having weak case is delaying the matter and keeping the petitioner/wife in tender hook under the fear of legal battle. It is further submitted that the Trial Court ought to have considered that there is no interlocutory application pending for hearing and the Trial Court without considering the fact that the petitioner/wife is always extending the co-operation to commence and complete the trial, is keeping the H.M.O.Ps. pending.

7. It is submitted that the petitioner's right to live with dignity as guaranteed under Article 21 of the Constitution of India was challenged by the delay in the court process. Therefore, the petitioner/wife was constrained to approach this Court for speedy disposal of H.M.O.Ps.



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8. Considering the facts and circumstances of the case, the learned Sub Judge, Devakottai is directed to dispose both H.M.O.P.Nos.213 & 157 of 2022 filed by the respondent and petitioner respectively on merits, without giving any unnecessary adjournments, expeditiously, within a period of 3 months from the date of receipt of a copy of this order.

9. Accordingly, these Civil Revision Petitions are disposed of. No cost.

24.08.2023

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

The Sub Judge, Devakottai.



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K.GOVINDARAJAN THILAKAVADI, J.

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