



C.R.P.(MD) No.2008 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM

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

**C.R.P.(MD) No.2008 of 2023**

Masilamani

... Petitioner

Vs.

Kayalvizhi Nangai

... Respondent

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order for speedy trial of the petition in H.M.O.P.No.70 of 2018 on the file of the Subordinate Court, Lalgudi.

For Petitioner : Mr.S.T.Gobinath

**ORDER**

This Civil Revision Petition has been filed by the petitioner for speedy trial of the petition in H.M.O.P.No.70 of 2018 on the file of the Subordinate Court, Lalgudi.

2. Since this Civil Revision Petition filed by the petitioner is only for speedy disposal of H.M.O.P., notice for the respondent is not required and is therefore dispensed with.



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3. According to the petitioner/husband, he filed H.M.O.P.No.70 of 2018 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 for dissolution of marriage solemnized between the petitioner and the respondent on 09.06.2016. It is submitted that the case has been periodically posted and even after 74 hearings, there is no improvement in the progress of the case.

4. The learned counsel for the petitioner would submit that the respondent has entered appearance and filed her counter affidavit. It is submitted that the respondent knowing pretty well that she has no valid defense, is protracting the proceedings somehow or other for all these 5 years.

5. He would further submit that even though the case was posted on 19.06.2023 for cross examination of P.W.2 as a last chance, the respondent called absent and same remains as *exparte*. It is submitted that thereafter, the respondent filed an application in I.A.No.4 of 2023 under Order 9 Rule 7 read with Section 151 of the Code of Civil Procedure, 1908 which is pending for disposal. Therefore, the petitioner was constrained to approach this Court for speedy trial of H.M.O.P.



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6. Considering the above facts and circumstances of the case, the learned Subordinate Judge, Lalgudi is directed to dispose H.M.O.P. on merits, without giving any unnecessary adjournments, by affording sufficient opportunities to the parties to put forth their contentions, expeditiously, within a period of 6 months from the date of receipt of a copy of this order.

7. This Civil Revision Petition is disposed of. No costs.

17.08.2023

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

The Subordinate Judge, Lalgudi.



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**K.GOVINDARAJAN THILAKAVADI, J.**

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