



C.R.P.(MD) No.2343 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

CORAM

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

C.R.P.(MD) No.2343 of 2023

Eswaramoorthy

... Petitioner

Vs.

Sankareswari @ Gurulakshmi

... Respondent

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned I Additional District Judge, Thoothukudi to dispose of the appeal in H.M.C.M.A.No.4 of 2021 on the file of the I Additional District Court, Thoothukudi, as expeditiously, within time frame as may be fixed by this Court.

For Petitioner : Mr.M.Sridharan

ORDER

This Civil Revision Petition has been filed by the petitioner for speedy disposal of the appeal in H.M.C.M.A.No.4 of 2021 on the file of the I Additional District Court, Thoothukudi.



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2. Since this Civil Revision Petition filed by the petitioner is only for speedy disposal of the appeal, notice for the respondent is not required and is therefore dispensed with. This case is taken up for final disposal.

3. According to the petitioner, he filed H.M.O.P.No.112 of 2015 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, before the Subordinate Court, Kovilpati for dissolution of marriage solemnized between the petitioner and the respondent on 08.06.2014, on the ground of cruelty. The Subordinate Court, Kovilpati has dismissed H.M.O.P.No.112 of 2015 filed by the petitioner by its order dated 31.03.2021, against which, the petitioner preferred an appeal in H.M.C.M.A.No.4 of 2021 before the I Additional District Court, Thoothukudi.

4. It is submitted that the appeal was filed in the year 2021 and the petitioner/appellant's side arguments was furnished in the form of Notes of Argument as early as on 06.12.2022 and the appeal was posted for respondent's side arguments on 06.01.2023. It is submitted that the respondent so far has not filed his Written Arguments and is getting adjournments regularly.



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5. The learned counsel for the petitioner would submit that H.M.O.P. was filed in the year 2015 and the matter is pending nearly 8 years. It is further submitted that without considering the same, the Appellate Court has adjourned the matter periodically without any reason and finally adjourned to 19.10.2023 for respondent's side arguments.

6. It is submitted that the respondent is attempting to drag on the proceedings and there is no *bonafide* in delaying tactics of the respondent and due to the pendency of the appeal, the future prospects of the appellant is in question. Therefore, the petitioner was constrained to approach this Court for speedy disposal of the appeal.

7. Considering the above facts and circumstances of the case, the learned I Additional District Judge, Thoothukudi is directed to dispose of the appeal in H.M.C.M.A.No.4 of 2021 on merits, without giving any unnecessary adjournments, expeditiously, within a period of 6 months from the date of receipt of a copy of this order.



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WEB COPY 8. Accordingly, this Civil Revision Petition is disposed of. No cost.

26.09.2023

Internet : Yes/No

NCC : Yes/No

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To

1.The I Additional District Judge,
Thoothukudi.

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



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K.GOVINDARAJAN THILAKAVADI, J.

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