



C.R.P.No.691 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition No.691 of 2024

R. Suresh	...	Petitioner
	Vs	
S. Senbagam	...	Respondent

Prayer in both CRPs: Civil Revision Petition has been filed under Article 227 of the Constitution of India to direct the learned Sub Court, Bhavani to dispose the HMOP No.89 of 2022 within the time frame fixed by this Court.

For Petitioner : Mr N. Manoharan

ORDER

The present Civil Revision Petition has been filed to direct the learned Sub-Judge, Sub Court, Bhavani, to dispose the HMOP No.89 of 2022 in a time



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bound manner.

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2. The learned counsel for the revision petitioner/plaintiff submitted that petitioner is the husband and the respondent is the wife and their marriage took place on 31.08.2020 at A/m. Lakshminarayanan Temple at Poonachisamayatharanur. A female child, namely Thamizhini, was born to them on 31.01.2021. But, the petitioner and his parents were not allowed to see the new born child. The respondent had also given false complaint dated 14.02.2022 against the petitioner to the Station House Officer, Anthiyur Police Station. Subsequently, there were exchange of notices and thereafter, the petitioner had filed HMOP. 89 of 2022 for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act and the same is pending for a long time. Hence, the petitioner by way of the present Civil Revision Petition sought direction of this court to the Trial Judge to dispose the case within a stipulated time.

3.I have considered the matter in the light of the submission made by the learned counsel appearing for the petitioner and perused the material available



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on record.

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4. On verification, it is noticed that totally, there are 995 cases are pending before the Sub Court, Bhavani. With regard to the disposal of pending cases in the Court, the ***Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra*** held that “since every High Court and every Court in the country has a huge pendency, the constitutional court should avoid temptation of fixing a time-bound schedule for disposal of any case before any court unless the situation is extra ordinary.”

5.Considering the pendency of the case before the trial Court and the decision of the Hon'ble Supreme Court ***in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharastra***, no time bound order can be passed for disposal of the case. However, considering the nature of the case, this Court directs the learned Sub-Judge, Sub-Court, Bhavani to dispose the HMOP No.89 of 2022 within a period of eight months from the date of receipt of a copy of this order.



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6. With the above direction, the Civil Revision Petition is allowed. No costs.

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Index: yes/no
Internet: yes/no
mrp

To

1. The Sub Court,
Bhavani.



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V. SIVAGNANAM, J.

mrp

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