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C.R.P.No.1786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1786 of 2024

Rajeswari

... Petitioner

Vs.

Siva

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Sub Court Judge, Sirkali to conclude the H.M.O.P.No.27 of 2022 pending on the file of Sub Court, Srikali within a time frame that may be stipulated by this Court.

For Petitioner : Mr.M.Ganesh

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Sub Court Judge, Sirkali to dispose of the petition in H.M.O.P.No.27 of 2022 within a time frame as fixed by this Court.



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2. The petitioner/estranged wife of the respondent has filed the divorce petition in H.M.O.P.No.27 of 2022. The contention of the petitioner is that after receipt of notice, on 15.06.2023, the respondent appeared in person before the Sub Court, Sirkali and engaged an advocate and the counsel filed vakalat on 14.07.2023. From 14.07.2023 till date, the respondent has not filed his counter and his intention is only to drag the proceedings. Further, referring to Section 21B (2) of Hindu Marriage Act, 1955, every petition shall be tried as expeditiously as possible and endeavor shall be made to conclude the trial within six months. In this case, the respondent appeared on 15.06.2023 on service of notice on him. Thereafter, past 9 months the case is pending, especially for filing counter.

3. In support of this contention, he has produced the E-Court proceedings, wherein, it is seen that from 23.02.2024, it has been referred as no further adjournments would be granted and the case has been periodically adjourned, for one reason or the other. The petitioner has filed in



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I.A.No. 1 of 2023 seeking removal of her name from the smart card and also for a direction to return her clothes, in which, the respondent will not get adjournments periodically. Since the I.A.No.1 of 2023 is pending for a long time, due to which, H.M.O.P.No.27 of 2022 cannot be proceeded further. Hence, the learned counsel seeks a direction to the learned Sub Judge, Sirkali to dispose the H.M.O.P.No.27 of 2022, without any further delay.

4. Despite service of notice on the respondent and his name having been printed in the cause list, there is no representation on behalf of him.

5. Considering the submissions made and on perusal of the material, this Court directs the Trial Court (learned Sub Court Judge, Sirkali) to conclude the proceedings in H.M.O.P.No.27 of 2022 without further delay, preferably within a period of four months from the date of receipt of a copy of this order.



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6. With the above directions, this Civil Revision Petition is disposed

of. No costs.

03.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The Sub Court, Sirkali.



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M.NIRMAL KUMAR, J.

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