



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2863 of 2024

Sivakumar

... Petitioner

Vs.

V.Madhumitha

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Subordinate Court, Avinashi, to dispose of the suit in H.M.O.P.No.108 of 2022, within a stipulated time.

For Petitioners : Mr.S.S.Rajesh

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Avinashi, to dispose of the suit in H.M.O.P.No.108 of 2022 within a stipulated period of time as framed by this Court.

2. The petitioner / husband filed divorce petition in H.M.O.P.No.108 of



2022 on the ground of cruelty. The respondent / wife appeared and not participated in the Trial. In this case, the petitioner had examined himself and for marking the documents, the case was adjourned to 19.04.2023, no cross was conducted. On the other hand, I.A.No.13 of 2023 seeking permanent alimony had filed and thereafter, the petitioner had filed counter for permanent alimony and the case was adjourned to 18.07.2023, Considering the same, the case has been adjourned. Further, the case in I.A.Nos.75 and 76 of 2023 have been filed. Now all the I.As are closed, except I.A.No.13 of 2023, in which arguments completed on 10.06.2024 and which has posted 'for orders' on 14.06.2024. Thereafter, on 27.06.2024, I.A.No.42 of 2024 has been filed seeking interim maintenance, only for dragging the proceedings.

3. The only contention of the petitioner is that H.M.O.P.No.108 of 2022 can be concluded within a stipulated period. Considering the submissions, the E - Court adjudication shows that there is some delay, though the petitioner completed the examination as earlier as on 15.03.2023, thereafter, for some reason or the other the petitioner is yet to cross and in the meanwhile, interim maintenance petition in I.A.No.42 of 2024 had filed, in which counter not filed, this cannot be a ground, to protract the proceedings and prolong the case



endlessly. The main H.M.O.P can be proceeded and decided.

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4. Since it is only a limited prayer seeking direction to dispose of the petition in H.M.O.P.No.108 of 2022 within the stipulated period, notice to the respondent not required. Hence, notice to the respondent dispensed with.

5. In view of the same, this Court directs the petitioner to file a counter in I.A.No.42 of 2024 on the next date of hearing i.e., 12.08.2024 and enquiry be conducted with in a short date and the Trial Court (The Subordiante Court, Avinashi) to conclude the proceedings in H.M.O.P.No.108 of 2022 without any further delay, preferably within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Civil Revision Petition is disposed of.
No costs.

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Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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M.NIRMAL KUMAR, J.

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To

The Subordinate Court, Avinashi.

C.R.P.No.2863 of 2024



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