

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.3349 of 2014 &
M.P.No.1 of 2014

J.Umamaheswari

... Petitioner

v.

P.Soundararajan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 21.07.2014 made in I.A.No.303 of 2013 in O.P.No.2219 of 2010 on the file of I Additional Family Court Judge, Chennai.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.Y.Kaja Nivas

ORDER

Challenging the fair and final order passed in I.A.No.303 of 2013 in O.P.No.2219 of 2010 on the file of I Additional Family Court, Chennai, the petitioner, who is the wife of the respondent, has filed the above Civil Revision Petition.

2. The respondent-husband filed HMOP No.2219 of 2010 on the ground of cruelty. The Original Petition was filed in the year 2010. Thereafter, the respondent filed an application in I.A.No.303 of 2013 to amend the petition stating that the petitioner is undergoing treatment for ailment, Schizophrenia disease till date. It is also brought to the notice of this court that the respondent filed an application in I.A.No.2090 of 2014 in O.P.No.2219 of 2010 to issue Supeona to the Dean of Sri Ramachandra Hospital, Porur, Chennai to submit the medical records with regard to the petitioner pursuant to the order passed in the said application. The Sri Ramachandra Medical Centre submitted the medical records pertaining to the revision petitioner. Thereafter, the present application has been filed by the respondent to amend the original petition.

3. Now, it is brought to the notice of this court that the respondent had amended the original petition and also filed the amended copy of the original petition before the Family Court.

4. Learned counsel appearing for the petitioner submitted that the respondent may be permitted to withdraw the original petition and liberty may be given to him to file fresh petition incorporating all the averments pleaded in the amendment petition.

5. As already stated, since the respondent had already amended the petition and also filed the amended copy of the original petition and that the matter is posted for marking all the documents, I do not find any reason to interfere with the order passed by the Family Court.

6. Learned counsel appearing for the petitioner submitted that the petitioner has not filed her counter in the amended original petition so far.

7. Learned counsel on either side submitted that the matter is posted on 29.04.2015 for further hearing.

8. In these circumstances, I permit the petitioner to file her counter to the amended original petition on or before 29.04.2015. The Family Court is directed to consider the case of both the parties and dispose of the same on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With these observations, the Civil Revision petition is dismissed.
Consequently, connected miscellaneous petition is closed. No costs.

08.04.2015

Index : No
Internet : Yes

Rj

To

The I Additional Family Court,
Chennai.

M. DURAISWAMY,J.,

Rj

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