



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2015

Coram

THE HONOURABLE MR.JUSTICE P.DEVADASS

CRP PD(MD)No.1386 of 2015

and

M.P.(MD)Nos.1&2 of 2015

Rajeshwari :Petitioner

vs.

Ravikumar :Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decreetal order made in I.A.No.31 of 2015 in HMOP No.35 of 2012, dated 31.03.2015, on the file of the Principal Sub Court, Tankasi and allos the above Civil Revision Petition.

For Petitioner :Mr.T.S.Mohammed Moihideen

For Respondent :Mr.D.Selvam

For Mr.G.Thalaimutharasu

O R D E R

Actually this case is on neck to neck race between an husband and his wife, who will win is puzzle to be resolved by the learned Sub Judge, Tenkasi.

2. The revision petitioner (wife) and the respondent (husband) are now locked up in long drawn litigation. The husband sued his wife for divorce in the Sub Court, Tenkasi in HMOP No.35 of 2012 on the ground of her cruelty and desertion. She filed a counter stating that her husband is having affair with many ladies. The husband has to prove the allegations of cruelty as against her, she has to refute the same and also establish her allegation as against him.

3. Prior to filing of the said HMOP, the wife gave a complaint to Shengottah Police Station alleging that her husband is a man of immoral character. It was enquired by the Police. There the husband stated to have given some statement, which is in the nature of establishing her case. So, she filed I.A.No.31 of 2015 to send the said documents and mark it in the HMOP. This I.A was opposed by her husband.

4. The learned trial Judge came to the conclusion that as the respondent (husband) himself admit the said document and already it has also been marked as an exhibit in the Guardian O.P., there is no need to send for the said document and it is also a delaying tactics of the petitioner (wife) and thus dismissed the I.A.

5. Canvassing the correctness of the said order passed by the learned Subordinate Judge, Tenkasi, this revision has been filed by the wife.

6. Now, both sides wants to concentrate mainly on the HMOP itself. Now, the husband is very much interested in getting quick result in the HMOP. He will not stand in the way of Court sending that document from the police station.



7. In the circumstances, ordered as under:-

(i) The impugned order passed in I.A.No.31 of 2015 in HMOP No.35 of 2012, dated 31.03.2015 by the learned Principal Sub Judge, Tankasi, is set aside.

(ii) The said Judge is directed to send for the file relating to the petition and enquiry conducted in the Shengottah Police Station.

(iii) The learned Sub Judge, Tenkasi shall dispose of the HMOP No.35 of 2012 within two months from the date of receipt of the document from the Police Station.

8. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Principal District Judge, Tirunelveli.

2.The Principal Subordinate Judge, Tenkasi

3.The Inspector of Police, Shengottah Police Station, Shengottah.

Copy to The Registrar (Judicial)

Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.G.Thalaimutharasu, Advocate in SR.54195

+1cc to Mr.T.S.Mohammed Mohideen, Advocate in SR.55016

CRP PD(MD)No.1386 of 2015

14.09.2015

mpk

PBK/GSV/SAR-II 16/09/2015 ::2P-7C:: (IT)