

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CRP.(PD).No.4776 of 2015
and M.P.No.1 of 2015

S.Madhu

... Petitioner

Vs.

B.Kalaiselvi

... Respondent

Prayer:- Petition filed under Article 227 of the Constitution of India against the returning of the unnumbered I.A.No....of 2015 in H.M.O.P.No.30 of 2015 filed before the Family Court, Erode on 10.12.2015.

For Petitioner : Mr.M.Palani

O R D E R

Heard the arguments of the learned counsel appearing for the petitioner in length at the time of admission. Considering the nature of order to be passed herein, notice to the respondent is dispensed with.

2. This Civil Revision Petition has been filed challenging the return made in unnumbered I.A.No....of 2015 in H.M.O.P.No.30 of 2015 filed before the Family Court, Erode on 10.12.2015.

3. Earlier, the respondent/wife's earlier husband filed H.M.O.P.No.26 of 2002 before the Sub Court, Pattukottai for divorce and the same was decreed exparte. Thereafter, the respondent married the present petitioner-S.Madhu. Now, the respondent/wife has filed H.M.O.P.No.30 of 2015 for divorce on the ground of cruelty before the Family Court, Erode. During the pendency of the said H.M.O.P., the petitioner/husband filed an interim application praying to dismiss the H.M.O.P.No.30/2015 as not maintainable. The Family Court, Erode has returned the said I.A., filed by the husband. Instead of representing the said I.A., the husband has filed the present Civil Revision Petition. It is pertinent to note that no final order has been passed in the said I.A., but the order passed on 10.12.2015 is a docket order.

4. Considering the facts and circumstances of the case, the petitioner/husband is directed to put forth his case at the time of trial and raise his defence in the cross examination of P.W.1 and at

the time of arguments of the case. It is also open to the petitioner/husband to mark the document he relied upon by following the procedure laid down in law. Thus, in my considered view, the prayer sought for in this Civil Revision Petition could not be granted. Accordingly, this Civil Revision Petition is dismissed with the above direction. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

07.01.2016

nvsri

To

The Family Court Judge, Erode

R.MALA,J.

nvsri

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