

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP(PD)No.2038 of 2016

N.Mahalingam

... Petitioner

Versus

Sujatha

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 28.04.2016 passed in I.A.No.592 of 2016 in H.M.O.P.No.2912 of 2014 on the file of the Principal Family Court, Chennai.

For Petitioner : M/s.Harshad P.Goklaney

For Respondent : Mr.Balanatarajan

ORDER

The petitioner filed an application in I.A.No.592 of 2016 in O.P.No.2912 of 2014 before the Principal Family Court, Chennai, seeking a direction to the respondent to undergo medical examination. The learned Trial Judge, while allowing the application, directed the petitioner also to undergo medical examination. Feeling aggrieved, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The order passed by the learned Trial Judge does not indicate as to whether any document was produced either by the petitioner or by the respondent to support the contention. The application was allowed on the basis of pleadings alone. It is the grievance of the petitioner that not even a scrap of paper was produced by the respondent to show that he is suffering from psychological problems and his examination by a Psychiatrist is necessary.

4. It is the contention of the learned counsel for the respondent that even the petitioner has not produced any document to substantiate his contentions and there was no reference in the order passed by the learned Judge with respect to the treatment given to the respondent.

5. After hearing the learned counsel for the parties and on a perusal of the order passed by the learned Judge, I deem it fit to remit the matter to the trial Court for fresh consideration.

6. In the result, the order dated 28.04.2016 is set aside. The Application in I.A.No.592 of 2016 is restored to file. The parties are given liberty to produce materials before the learned Principal Judge, Family Court, Chennai, to substantiate their respective contentions. The learned Principal Judge, Family Court, Chennai is directed to pass appropriate orders, on the

basis of the materials so produced, as expeditiously as possible.

7. The Civil Revision Petition is disposed of with the above direction.

No costs.

04.11.2016

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To

1. The Principal Family Court,
Chennai.

K.K.SASIDHARAN, J.

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