

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2535 of 2016

T.R.R.Naganandhini : Petitioner
versus

D.Mathivanan : Respondent

PRAYER: Revision filed against the order dated 14.3.2016, in I.A.No.37 of 2011 in HMOP No.345 of 2011 on the file of the Subordinate Court, Poonamallee.

For petitioner :: Mr.M.Muthappan

For respondent :: No appearance

ORDER

The respondent instituted proceedings in H.M.O.P.No.345 of 2011 before the Subordinate Court, Poonamallee, praying for a decree of divorce on the ground of cruelty and unsound mind. The original petition was opposed by the petitioner by filing counter statement.

2. The respondent filed an application in I.A.No.37 of 2016 with a prayer to direct the petitioner to undergo medical examination with regard to her mental condition. The application was allowed by the Trial Court

notwithstanding the objection raised by the petitioner that she is working in a reputed organization and that any order passed to undergo medical examination for paranoid schizophrenia would affect her reputation. Feeling aggrieved by the said order, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner. None appears for the respondent.

4. The respondent filed a divorce petition in HMOP No.345 of 2011 on allegation of cruelty as well as insanity. The respondent filed an interlocutory application in I.A.No.37 of 2016 to direct the petitioner herein to undergo medical examination. Except the averments in the affidavit filed in support of the application, the respondent has not produced any material to substantiate his contention that the petitioner is suffering from paranoid schizophrenia and as such, she should be referred to a medical officer for examination.

5. The learned trial Judge allowed the application with an observation that no prejudice would be caused to the petitioner by directing her to appear before a medical officer.

6. It is not a question of prejudice which has to be considered in a

matter of this nature. There should be basic materials to arrive at a prima facie conclusion that the concerned party is suffering from paranoid schizophrenia, so as to obtain a report from a medical officer. Neither the affidavit filed in support of the interlocutory application nor the order passed by the learned trial Judge contain any indication with regard to the mental condition of the petitioner. I am therefore of the view that the Trial Court was not correct in allowing the application in I.A.No.37 of 2016.

7. In the result, the order dated 14 March 2016 is set aside. The application in I.A.No.37 of 2016 is dismissed.

8. In the upshot, I allow the civil revision petition. No costs.

08.11.2016

Index:Yes/no
tar

To
The Subordinate Court, Poonamallee.

K.K.SASIDHARAN, J.

(tar)

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