

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.11.2016
CORAM

The Hon'ble Mr.Justice K.K.Sasidharan

C.R.P.(PD)No.2838 of 2016
and
C.M.P.No.14409 of 2016

Mr.T.S.Ramesh
 rep. by his Power Agent and Father
 Mr.Subramaniam Tharmalingam ...Petitioner

Vs.

V.Krithika ... Respondent
 Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders passed by the learned Judge, Principal Family Court, Chennai, in I.A.No.3459 of 2012, in F.C.O.P.No.3106 of 2012, dated 16.06.2016.

For Petitioner : Mr.K.P.Gopalakrishnan
 For Respondent : No appearance

ORDER

The petitioner filed an application before the trial Court to refer the parties to a Psychiatrist for counselling. The learned trial Judge dismissed the Application on the ground that the Original Petition was in the part heard stage. The said Order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel appearing on behalf of the petitioner.

None appears on behalf of the respondent.

3. The documents available on record indicate that the petitioner and the respondent were referred to a Psychiatrist attached to the Family Court at Chennai. The parties were with the Psychiatrist for about half-an-hour. According to the petitioner, only limited time was granted by the Psychiatrist for counselling. The petitioner, therefore, wanted the trial Court to direct the Psychiatrist to examine the parties at his Clinic. The learned trial Judge, dismissed the application primarily on the ground that the Original Petition was in the part heard stage.

4. The trial Judge earlier referred the parties to a Psychiatrist. When there was a request made by the petitioner to refer them once again to the very same Psychiatrist, the learned trial Judge should have acceded to the said request, taking into account the background facts. This is more so, on account of the fact that the petitioner filed the Original Petition invoking Section 9 of the Hindu Marriage Act, 1955.

5. In view of the peculiar facts of this case, and taking into

account, earlier order passed by the learned trial Judge, referring the parties to the Psychiatrist, the order impugned in this Civil Revision Petition is set aside.

6. The learned trial Judge is directed to refer the parties to the very same Psychiatrist, who examined them earlier, with a request to the Psychiatrist to examine the parties and conduct counselling for a reasonable time.

7. The Civil Revision Petition is allowed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

02.11.2016

sd

Index : Yes/No

To
The Principal Family Court,
Chennai,

K.K.Sasidharan,J.,

C.R.P.(PD)No.2838 of 2016

02.11.2016

<http://www.judis.nic.in>