

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.10.2016**

CORAM:

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

C.R.P.(P.D.) No.3132 of 2016 and
CMP.No.15911 of 2016

Prasanna Venkatesan

...Petitioner

versus

Mullai

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 1.08.2016 passed in I.A.No.Nil of 2016 in H.M.O.P.No.56 of 2016 on the file of Family Court, Dharmapuri.

For Petitioner : Mr. G.B.Sabari Das

For respondent : Mr. V.Sakkarapani

ORDER

The petitioner filed an application before the trial court to receive additional counter. The trial court, without even numbering the application, dismissed it on merits. Feeling aggrieved, the petitioner has come up with this Civil Revision Petition.

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

3. The petitioner filed an application before the trial court invoking Section 151 of Civil Procedure Code, praying for an order to receive additional counter. The learned Judge was expected to number the application and thereafter to dispose of the application with notice to the other side. The learned Judge, Family Court, Dharmapuri, adopted a novel procedure of disposal on merits, without even numbering the application. I am not in a position to agree with the course adopted by the learned Judge, Family Court, Dharmapuri to dispose of the application filed by the petitioner. I am therefore of the view that the matter requires fresh consideration.

4. The order dated 1.8.2016 is set aside. The learned Judge, Family Court, Dharmapuri is directed to take up the application filed by the petitioner seeking permission to file additional counter and dispose of the same on merits. Such exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

5. The learned Judge, Family Court, Dharmapuri is further directed to dispose of the proceedings in H.M.O.P.No.56 of 2016, as expeditiously as possible and in any case on or before 31.3.2017.

6. The Civil Revision Petition is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2016

Index:Yes/No
ajr

To

Family Court, Dharmapuri.

K.K.SASIDHARAN, J.

ajr

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