

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

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

Civil Revision Petition (PD) No.3533 of 2016
and C.M.P.No.17988 of 2016

T.Muralitharan ... Petitioner

Versus

K.Sunitha ... Respondent

Prayer:- Petition filed under Article 227 of the Constitution of India, against the fair and decreetal orders, dated 20.04.2016, passed in I.A.No.954 of 2016 in O.P.No.1409 of 2010 on the file of the Principal Family Court, Chennai.

For Petitioner : Ms. Lita Srinivasan
For Respondent : Mr. M.Babu Muthu Meeran

ORDER

The petitioner filed an application before the learned Principal Judge, Family Court, Chennai, in I.A.No.954 of 2016 to reopen evidence. The application was dismissed by the learned Trial Judge. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the respondent submitted that the respondent has No Objection in reopening the evidence on the side of the petitioner.

3. The petitioner wanted to examine two Income Tax officers on his side to prove his contention in O.P.No.1409 of 2010. The learned Trial Judge dismissed the application on the ground that sufficient time was given to the petitioner earlier to examine the witnesses.

4. After hearing the learned counsels appearing for the parties and on a perusal of the impugned order, I am of the view that I.A.No.954 of 2016 deserves to be allowed. The Revision Petitioner, being the petitioner in O.P.No.1409 of 2010, should be given reasonable opportunity to examine his witnesses.

5. In the result, the order dated 20.04.2016 is set-aside. The Application in I.A.No.954 of 2016 is allowed.

6. The learned counsel for the petitioner submitted that the matter is now posted before the trial court on 22.12.2016.

7. The petitioner shall produce the witnesses on his side on the next date of hearing, viz., 22.12.2016. The respondent shall cross-examine the witnesses preferably on the very same day. In case, the evidence could not be completed on that day,

necessarily it should be re-posted. The petitioner should also be given reasonable time to produce other witnesses, if there are more witnesses to be examined on his side.

8. The learned Principal Judge, Family Court, Chennai, is directed to dispose of the Matrimonial Proceedings as expeditiously as possible.

9. The Civil Revision Petition is allowed with the above observation. No costs. Consequently, the connected CMP is closed.

16.11.2016

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To

1. Principal Family Court, Chennai.

K.K.SASIDHARAN, J.,

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