

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

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

Review Application No.87 of 2016 and
C.M.P.No.10091 of 2016 in
CRP (Pd) No.3473 of 2015

R.Aiswarya Mahesh

... Applicant

Vs.

1.S.Mahesh

2.V.Swaminathan

3.S.Sudha

... Respondents

Review Application filed under Order 47 Rule-1 read with Section 14 of C.P.C., to allow the review application and set aside the order dated 21.04.2016 in CRP No.3473 of 2015.

For Applicant : Mr.R.Srinivas

For Respondents : Mr.S.Sounthar

ORDER

The applicant has come up with this review application with a grievance that notwithstanding her readiness to comply with the interim order passed by this Court earlier, she was branded as a person attempting to prolong the case. The review application is primarily filed to expunge the remarks made against the applicant.

2. Heard the learned counsel for the applicant and the learned counsel for the respondents.

3. The order passed by the Trial Court dated 12.08.2015 in I.A.No.34 of 2015 in HMOP No.28 of 2015 was challenged by the applicant before this Court in CRP (PD)No.3473 of 2015. This Court, after hearing the parties and entertaining a memo dated 19.01.2016 referred the parties to a Psychiatry Department, NIMHANS, Hosur Road, Bangalore, for counselling. The petitioner appeared before the counselling centre and subjected to its jurisdiction. It is the case of the petitioner that there was no response from the authorities of NIMHANS and as such, she could not undergo the process of counselling.

4. The matter was thereafter taken up by this Court. The Civil Revision Petition was dismissed on the ground that the order dated 12.08.2015 has not attained finality and as such, the Civil Revision Petition challenging the said order is nothing but an 'abuse of process'. Since the applicant has complied with the earlier direction of the Trial Court as well as the order passed by this Court dated, 21 January 2016, she cannot be characterised as a person, who is determined to

prolong the matter. I am therefore of the view that the observation made against the applicant requires to be expunged.

5. In the result, Paragraph 4 of the order dated 21.04.2016 in CRP (PD)No.2473 of 2015 treating the revision petition as an 'abuse of process' besides an attempt to prolong the case stands expunged.

6. The Review Application is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2016

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K.K.SASIDHARAN,J.

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