



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.PD(MD).No.1540 of 2016

and

C.M.P. (MD)No.7471 of 2016

KALINGARAJ

.. REVISION PETITIONER

Vs.

NAGARATHINAM

.. RESPONDENT

Prayer: Petition is filed under Article 227 of Constitution of India, to call for the records relating to the Fair and Decreetal order dated 09.06.2016 in I.A.No.174 of 2016 in HMOP No.259 of 2015 on the file of the learned Family Court, Thiruchirappalli and to set aside the same.

For Petitioner : Mr.V.R.Shanmuganathan

ORDER

This Revision arises out of the order passed by the Family Court, Thiruchirappalli in I.A.No.174 of 2016 in H.M.O.P.No.259 of 2015, dated 09.06.2016.

2. Heard the learned counsel for the petitioner and perused the records.

3. The petitioner originally filed a petition in H.M.O.P.No.223 of 2002 before the Subordinate Court, Thiruchirappalli, against the respondent for divorce. It was transferred to the Family Court, Thiruchirappalli, and renumbered as H.M.O.P.No.259 of 2015. The trial commenced on 14.02.2012 and the petitioner examined himself as P.W.1. Thereafter, the petition was dismissed for non-prosecution in the year 2013. After restoration of the petition and after several hearings, P.W.1's evidence was closed on 23.05.2016. When the petition was posted for examination of further witnesses on the side of the petitioner, he filed I.A.No.98 of 2016 to issue summon to his mother, who is residing in the same house along with the petitioner. It came to be dismissed.



4. Despite providing ample opportunities, the petitioner has not chosen to examine further witnesses, so the evidence on the petitioner's side was closed on 17.05.2016. After R.W.1 was examined, the petitioner filed the present application in I.A.No.174 of 2016 to re-open the case for further evidence. The learned Judge, Family Court, after recording the entire proceedings happened in the divorce petition, dismissed the application.

5. Considering the facts of this case, I find no reason to overturn the order impugned in this Revision.

6. In fine, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

The Family Court,
Thiruchirappalli.

+1cc to M/S.V.R.SHANMUGANATHAN,ADVOCATE SR NO: 42420

JA-SS-3-29.09.2016-2P:3C

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