



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) (MD).No.1930 of 2016 and
CMP (MD).No.9162 of 2016

Ashok kumar : Petitioner/Petitioner

Vs.

Karthika : Respondent/Respondent

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the Docket order passed on 05.08.2016 in HMOP.No.32 of 2016 pending on the file of Family Court, Dindigul, Dindigul District.

For Petitioner : Mr. S. Sarvagan Prabhu

ORDER

The revision petitioner has filed the above Civil Revision Petition challenging the docket order dated 05.08.2016 made in HMOP.No.32 of 2016, pending on the file of the Family Court, Dindigul, Dindigul District.

2. According to the petitioner, the matter came on 18.05.2016 at 2.30 pm and the trial Court has recorded in the order as follows:-

" After counselling the parties are directed to appear before this Court on 15.07.2016."

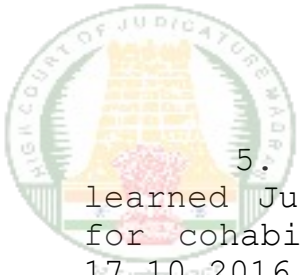
3. Thereafter, on 15.07.2016, the trial Court has recorded the following order:-

" Both parties present and mediation report received stating that the parties re willing to live together. The petitioner wants to withdraw the petition after cohabiting with the surplus time period of three weeks. Hence at request call on 05.08.2016".

4. Again on 05.08.2016, the trial Court has recorded the following order:

<https://hcservices.ecourts.gov.in/hcservices/>

"Both parties for appearance after 3 months as per the order dated 15.07.2016. Call on 17.10.2016".



5. The learned counsel for the petitioner submitted that learned Judge, Family Court failed to record any reasonable cause for cohabitation on 05.08.2016 to continue the relationship till 17.10.2016 and the learned Judge has passed a non speaking order. Therefore, the order dated 05.08.2016 is liable to be set aside by this Court.

6. However, I am not inclined to set aside the docket order dated 05.08.2016 passed by the learned Judge, Family Court, Dindigul, but, liberty is granted to the petitioner to approach the Family Court and file application within two weeks and thereafter, the Family Court is directed to consider the said application and pass orders on merits and in accordance with law within a period of three weeks, from the date of receipt of such application.

7. With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Judge, Family Court,
Dindigul, Dindigul District.

+ 1 CC TO Mr.D.SELVARAJ, ADVOCATE IN SR No. 55811

TRP

TE/GSV-PM : 17/11/2016 : 2P/3C

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