

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

CRP (PD) No.1639 of 2017

Rukmangadhan

.. Petitioner

Vs

Kanchana

.. Respondent

Prayer:- Civil Revision Petition filed under Section 227 of the Constitution of India, to set aside the impugned common order in I.A.No.105 & 106 of 2017 in HMOP.No.14 of 2008 and separate decretal orders in I.A.Nos.105 & 106 of 2017 in HMOP.No.14 of 2008 dated 23.02.2017 passed by the learned Subordinate Judge at Tambaram, and to dispose of the case within a stipulated period of time.

For Petitioner : Ms.E.Mohanapriya

ORDER

This Civil Revision Petition has been filed praying to set aside the impugned common order in I.A.No.105 & 106 of 2017 in HMOP.No.14 of 2008 and separate decretal orders in I.A.Nos.105 & 106 of 2017 in HMOP.No.14 of 2008 dated 23.02.2017 passed by the learned Subordinate Judge at Tambaram and to dispose of the same within a stipulated time fixed by this Court.

2. The petitioner is the husband and the respondent is the wife. The petitioner-husband filed HMOP.No.14 of 2008 for divorce on the file of the Sub Court, Tambaram. The respondent-wife filed counter and is contesting the matter. The petitioner-husband had let in evidence. The respondent-wife did not appear to cross-examine the petitioner and therefore the evidence on her side was closed due to non-appearance of the respondent. Thereafter, the respondent filed applications in I.A.Nos. 105 and 106 of 2017 to reopen the case and to let in evidence on her behalf. The petitioner opposed the said applications on the ground that inspite of opportunity being given to the respondent, the respondent failed to let in evidence and in the said circumstances, the Court has closed the evidence on behalf of the respondent, and now at a belated stage, the respondent filing these applications to re-open the case should be dismissed. However, the learned Judge has allowed the applications in I.A.Nos.105 of 2017 and 106 of 2017 vide order dated 23.2.2017 on payment of cost holding that the respondent should be given a chance to adduce her evidence, in the interest of justice.

3. Against the said order dated 23.02.2017 passed by the trial Court, the petitioner has filed the Civil Revision Petition.

4. It is seen that the petitioner has filed a divorce petition in HMOP.No.14 of 2008 on the file of Sub Court, Tambaram. The evidence on behalf of the respondent was closed due to non-appearance of the respondent. Thereafter, the respondent had filed I.A.No.105 of 2017 and I.A.No.106 of 2017 to re-open the case. The learned Judge has held that since it is a matrimonial case, both the parties should be given ample opportunity to put forth their case. Accordingly, the learned Judge has allowed those said applications on payment of cost of Rs.1,000/- to the respondent, in order to give an opportunity to the respondent to adduce her evidence and to conduct the case on merits. Thus, this Court is of the view that the common order dated 23.02.2017 passed by the learned Sub Judge, Tambaram in I.A.No.105 of 2017 and I.A.No.106 of 2017 does not suffer any illegality warranting interference by this Court.

5. In the result, the Civil Revision Petition is dismissed. No costs.

05.06.2017

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Speaking Order/Non-speaking Order
Index : Yes/No
Internet : Yes/No

V.M.VELUMANI,J

ds

To:
The Sub Court
Tambaram.

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