

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1826 of 2014
and M.P.No. 1 of 2014

Palani

.. Petitioner

Vs.

Jayapallavi
Rep.by Father, natural guardian and
next friend

Mr. Shanmugam

.. Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set-aside the Fair and Decretal order dated 03.12.2013 passed in I.A.No.123/2012 in H.M.O.P.No. 259/2012, on the file of the Sub Court, Poonamalee.

For Petitioner : Mr. M. Velmurugan

ORDER

The learned counsel appearing for the petitioner represented that he has given change of vakalat. Hence this Court decides the matter based on the merits of the case.

2. The Civil Revision Petition has been filed for setting-aside the fair and decretal order dated 03.12.2013 passed in I.A.No.123/2012 in H.M.O.P.No. 259/2012, on the file of the Sub Court, Poonamalee.

3. The petitioner filed HMOP No.259 of 2012 for dissolving the marriage solemnised between him and the respondent on the ground of nullity. Pending the above said HMOP, the petitioner filed IA.No.123 of 2012 for appointing the respondent's father as natural guardian and next friend and to contest the case.

4. The respondent/wife filed counter denying the averments by stating that the respondent is mentally retarded person and was expressed unanimously to undergo medical examination. The respondent has been sent to Institute of Mental Health (I.M.H.) for medical examination and she has been examined by Doctor, and the report was also submitted by the Doctor. Based on the report, the learned Judge held that the respondent is fit enough to contest the case on her own and there is no necessity, to appoint her father as guardian to contest the case. The contention of the petitioner is that the respondent is mentally retarded person to conduct

litigation and substantiate her case. On the other hand, the respondent was examined by competent Doctor and based on the Doctor's Certificate, the learned Judge dismissed the application holding that the respondent is competent person to contest the case and hence, the application was dismissed as devoid of merits.

5. The learned Judge considering all the materials available on record dismissed the application by giving cogent and valid reasons. In the circumstance, there is no illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 03.12.2013.

6. In the result this Civil Revision Petition is dismissed as devoid of merits. No Costs. Consequently the connected miscellaneous petition is closed.

08.06.2017

Index : Yes
speaking order/non speaking order
jv

V.M.VELUMANI, J.

jv

To
The Sub Judge,
Poonamalee.

C.R.P.(PD)No.1826 of 2014
and M.P.No. 1 of 2014

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