

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 3965 of 2017
and
C.M.P NO.18514 of 2017

1. R. Parimala
2. G. Ramasamy .. Petitioners

Vs

R. Vijayakumar .. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the petition and docket order dated 11.11.2014 passed in I.A. No. 40 of 2014 in HMOP No. 1262 of 2014 on the file of Additional Family Court, Coimbatore.

For Petitioners : Mr. J. Akbar Md. Abdullah

For Respondent : Mr. S. Gunalan

ORDER

This revision petition is filed seeking to set aside the petition and docket order dated 11.11.2014 passed in I.A. No. 40 of 2014 in HMOP No. 1262 of 2014 on the file of Additional Family Court, Coimbatore.

2. The 1st petitioner has filed the HMOP No.423 of 2012 before the Family Court, Coimbatore for restitution of conjugal rights and the respondent has filed HMOP No.1262 of 2014 for divorce.

3. According to the 1st petitioner, the impugned order has been passed in I.A. No.40 of 2014 without providing an opportunity to the petitioner. Therefore, the order passed by the court below is liable to be set aside.

4. The learned counsel for the respondent fairly conceded that the order has been passed without giving notice to the revision petitioners.

5. Considering the above submissions, the order passed by the court below dated 11.11.2014 in I.A. No.40 of 2014 in HMOP No.1262 of 2014 is set aside and the matter is remanded to the trial court to pass orders, in accordance with law, after giving opportunity to the parties concerned.

6. The Civil Revision Petition is disposed of, with the above direction. Consequently, the connected Miscellaneous Petition is closed.

No order as to costs.

15.12.2017

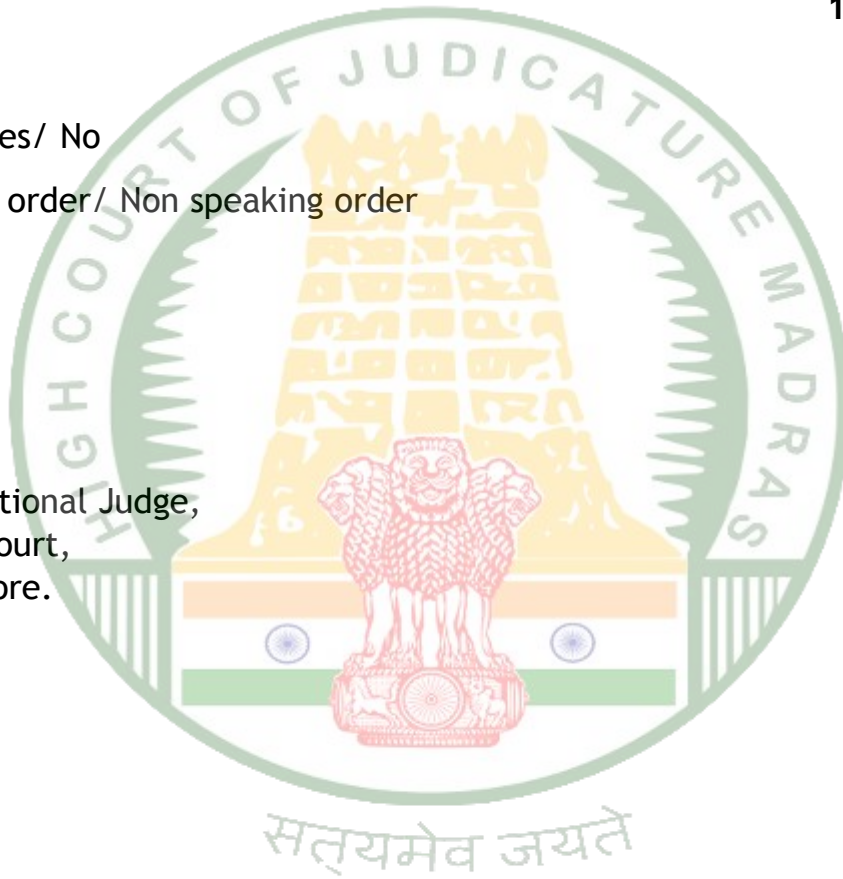
Index : Yes/ No

Speaking order/ Non speaking order

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To

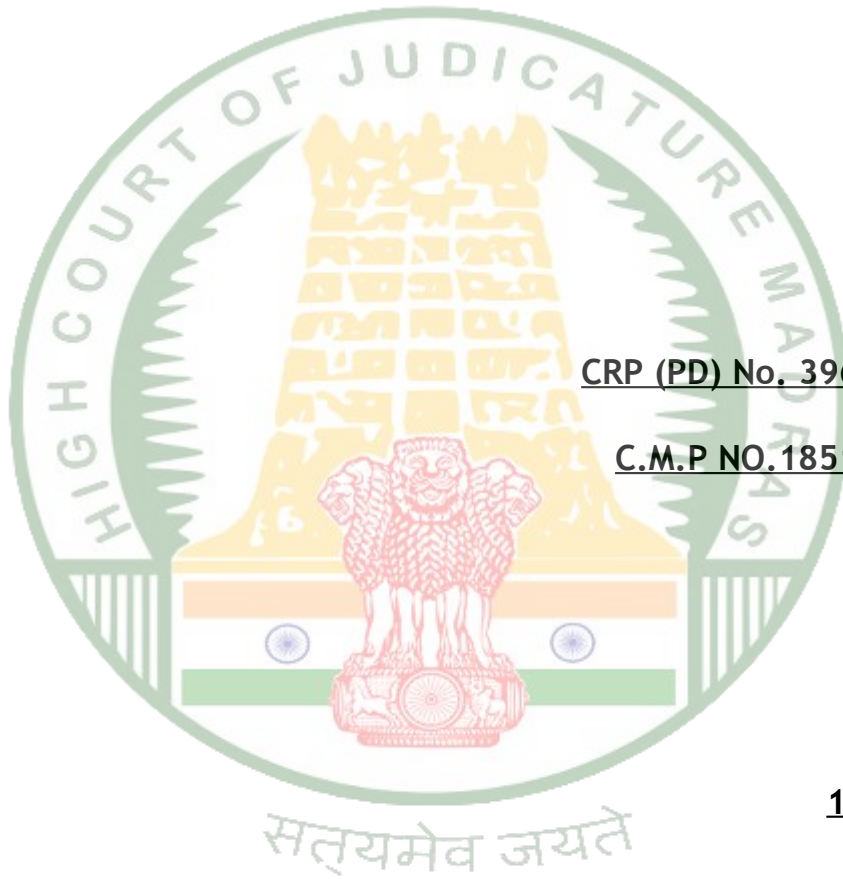
The Additional Judge,
Family Court,
Coimbatore.



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D. KRISHNAKUMAR J.,

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