

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).Nos.500 and 501 of 2017
and
C.M.P.Nos.2465 and 2466 of 2017

K.Lavanya

.. Petitioner in both C.R.Ps.

Vs.

K.M.Kannan

.. Respondent in both C.R.Ps.

Civil Revision Petition (PD).No.500 of 2017 filed under Article 227 of the Constitution of India against the fair and decretal order dated 19.12.2016 passed in I.A.No.846 of 2016 in F.C.O.P.No.116 of 2016 on the file of the Family Court, Erode.

Civil Revision Petition (PD).No.501 of 2017 filed under Article 227 of the Constitution of India against the fair and decretal order dated 19.12.2016 passed in I.A.No.847 of 2016 in F.C.O.P.No.116 of 2016 on the file of the Family Court, Erode.

For petitioner : Mr.G.Pugazhenth

For respondent : Mr.N.Manokaran

COMMON ORDER

F.C.O.P.No.116 of 2016 is filed by the revision petitioner-wife under Section 13(1)(i-a) of the Hindu Marriage Act. The trial has commenced and evidence is said to be over. At this juncture, the respondent-husband has filed applications under Order 16 Rules 1 and 4 CPC and under Rule 76 of the Civil Rules of Practice, to summon witness and mark certain documents. The said applications were allowed by the trial Court, which are under challenge in these Civil Revision Petitions.

2. Learned counsel for the revision petitioner/wife contended that the witnesses are not necessary for examination and the documents are not at all relevant for the case and it is only to drag on the proceedings, the applications were filed. Whether the documents are relevant or not, could be tried only after marking of the same and then only their veracity can be decided. The trial Court which has dealt with the matter, has found it necessary to examine the witnesses and receive the documents. Therefore, this Court is not inclined to interfere with the impugned orders. As the learned counsel for the petitioner complained of the delay in disposal of the said F.C.O.P., the trial Court is directed to complete the entire process including examination of the witnesses and marking of documents and

dispose of the said F.C.O.P.No.116 of 2016 within a period of three months from the date of receipt of a copy of this order.

3. With the above observations and directions, the Civil Revision Petitions are disposed of. No costs. C.M.Ps. are closed.

17.02.2017

CS

Copy to

The Judge,
Family Court,
Erode.

PUSHPA SATHYANARAYANA, J

CS

C.R.P.(PD).No.500 and 501 of 2017

17.02.2017

<http://www.judis.nic.in>