

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.3509 of 2016
& C.M.P.No.17842 of 2016

K.Uma ... Petitioner / Respondent

Vs.

D.Ramesh ... Respondent / Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the judgment and decree dated 05.08.2016 in I.A.No.567 of 2016 in I.D.O.P.No.31 of 2015 passed by the Family Court, Erode.

For Petitioner : Mr.M.N.Kathir

For Respondent : Mr.M.Guruprasad

ORDER

This Civil Revision Petition has been filed to set aside the judgment and decree dated 05.08.2016 in I.A.No.567 of 2016 in I.D.O.P.No.31 of 2015 passed by the Family Court, Erode.

2. The petitioner / wife is the respondent and the respondent/husband is the petitioner in IDOP No.31 of 2015 on the file of Family Court, Erode. The respondent filed the said IDOP for divorce on the ground of cruelty. Pending the said IDOP, the petitioner/wife filed I.A.No.567 of 2016 for a direction to respondent/husband to obtain a spouse certificate for the petitioner from the school where he is working.

3. According to the petitioner, both the petitioner and the respondent are teachers. The petitioner is working in a school which is 100 kms away from Erode and if the respondent obtains a spouse certificate from the school where he is working, the petitioner can get transfer to a school nearby her place, on spouse quota. The respondent opposed the said application. The learned Judge dismissed the said application filed by the petitioner holding that court cannot compel the respondent to obtain such a spouse certificate for the petitioner.

4. Against the order of dismissal dated 05.08.2016 made in I.A.No.567 of 2016 in I.D.O.P.No.31 of 2015, the petitioner has come up with the present civil revision petition.

5. Heard the learned counsel for the petitioner, respondent and perused the materials available on record.

6. The respondent has filed petition for divorce in IDOP No.31 of 2015 on the ground of cruelty. The petitioner filed counter statement in the said IDOP. According to the respondent, the intention of the petitioner is only to get divorce from the respondent. From the records it is seen that both the petitioner and the respondent are living separately from 17.06.2015. Considering the fact that the petitioner and the respondent are living separately from 17.06.2015 and the respondent filed IDOP for divorce on the ground of cruelty, the petitioner is not entitled to relief sought for in the present Interlocutory Application. The learned Judge has given valid reason for dismissing the application. I do not find any illegality or irregularity in the impugned order dated 05.08.2016 made in I.A.No.567 of 2016 in I.D.O.P.No.31 of 2015, warranting interference by this Court.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

The learned Trial Judge is directed to dispose of IDOP No.31 of 2015, without being influenced with the order passed by this Court in the CRP, as expeditiously as possible, not later than six (6) months from the date of receipt of a copy of this order.

28.06.2017

Index : Yes
rgr

To

The Family Court,
Erode.

V.M.VELUMANI, J.
rgr

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