



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.309 of 2017 and
CMP(MD).No.1540 of 2017

Mallika

.. Petitioner

Vs.

Chinnakutti

..Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.12.2016 passed in I.A.No.24 of 2016 in HMOP.No.18 of 2009 on the file of the Additional Sub Court, Tenkasi dated 20.12.2016.

For Petitioner : Mr.A. Sivaji

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 20.12.2016 passed in I.A.No.24 of 2016 in HMOP.No.18 of 2009 on the file of the Additional Sub Court, Tenkasi, dated 20.12.2016.

2.. The petitioner is the respondent in HMOP.No.18 of 2009 on the file of the Additional Sub Court, Tenkasi. The respondent filed petition to declare the marriage between the petitioner and respondent on 23.10.1988, as null and void. The petitioner filed I.A.No.24 of 2016 to issue summons to the Executive Engineer, TWAD Board, Thirunelveli and examine him as a witness and to produce the service register for retirement benefits and the petition given by the petitioner to the District Collector, which was forwarded to the TWAD Board to prove her marriage with the respondent.

3. The respondent filed counter and submitted that he is not denying the marriage between the petitioner and the respondent and therefore, no necessity to summon the Executive Engineer and documents to be produced and prayed for dismissal of the application.

<https://hcservices.ecourts.gov.in/hcservices/>

4. I have heard the learned counsel appearing for the



petitioner and perused the materials available on record.

5. The learned Judge considering the relief sought for by the petitioner dismissed the application holding that examination of Executive Engineer is not necessary to prove marriage, as the respondent himself has admitted the marriage.

6. The grievance of the petitioner is that the learned Judge without properly appreciating the necessity of summoning the Executive Engineer and marking the documents erroneously dismissed the application. The said contention has no force. The petitioner has filed present application to summon the Executive Engineer and documents to prove marriage between the petitioner and the respondent. The respondent admit the marriage between the parties but contend that he has filed HMOP only to declare the marriage as null and void on the ground that the petitioner is already married and the petitioner did not obtain any divorce from her husband.

7. In the circumstances, there is no necessity to examine the Executive Engineer to produce the documents to prove the marriage between the petitioner and the respondent. The learned Judge has considered all the materials on record in a proper perspective and has given cogent and valid reasons for dismissing the Interlocutory Application in I.A.No.24 of 2016 in HMOP.No.18 of 2009. Further, the learned Judge had exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To
The Additional Sub Court, Tenkasi.

+1 cc to MR.A.SIVAJI, Advocate SR.No.9233

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