



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)Nos.434 and 435 of 2017 (PD) and
CMP(MD).No.2148 of 2017 in CRP(MD).No.434 of 2017

S.Benny

.....Petitioner in both C.R.Ps

Vs.

Gnanakamali

....Respondent in both C.R.Ps

PRAYER: Civil Revision Petitions are filed, under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.Nos. 34 and 35 of 2016 in I.A.No.453 of 2015 in D.O.P.No.74 of 2015 dated 11.01.2016 on the file of the IV Additional District Judge, Tirunelveli.

For Petitioner :M/S.J.Ashok
For Respondent : No Appearance

COMMON ORDER

These Civil Revision Petitions are filed to set aside the fair and decreetal order passed in I.A.Nos. 34 and 35 of 2016 in I.A.No.453 of 2015 in D.O.P.No.74 of 2015 dated 11.01.2016 on the file of the IV Additional District Judge, Tirunelveli.

2. The issues in both the Civil Revision Petitions are one and the same and hence, the Civil Revision Petitions are disposed of by this common order.

3. The petitioner filed DOP.No.74 of 2015 on the file of the IV Additional District Judge, Tirunelveli for dissolving the marriage by way of granting relief of divorce. The respondent filed I.A.No.453 of 2015 for interim maintenance. The petitioner after taking number adjournments filed counter only on 08.12.2015 and said Interlocutory Application was heard and posted for orders. At that stage, the petitioner filed two applications in I.A.Nos. 34 and 35 of 2016, for permission to file additional counter and to permit him to examine the witnesses mentioned in the list on the side of the petitioner.



4. The learned Judge considering all the materials on record and attitude of the petitioner that petitioner filed three applications when I.A.No.453 of 2015 was heard and posted for orders dismissed both the applications holding that the intention of the petitioner is only to drag on the proceedings and to harass the respondent.

5. Against the said order of dismissal dated 11.01.2016, the petitioner has filed these two Civil Revision Petitions.

6. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

7. From the materials available on record it is seen that the respondent filed I.A.No.453 of 2015 for interim maintenance. The petitioner took number of adjournments and filed counter on 08.12.2015 and parties advanced their arguments. The learned Judge after hearing the arguments of learned counsel for parties reserved for orders. At that stage, the petitioner filed two applications for filing additional counter and to examine the witnesses mentioned in the list on the side of the petitioner. The petitioner has not given any valid reason for filing the said applications in the interim maintenance application. The impugned order is dated 11.01.2016 and the petitioner has filed present Civil Revision Petitions only on 27.02.2017. The learned counsel for the petitioner is not in a position to tell whether any order has been passed in the application in I.A.No.453 of 2015 filed by the respondent. The learned Judge has considered all the materials on record in proper perspective and dismissed the applications by giving cogent and valid reasons. In such circumstances, there is no irregularity or illegality in the impugned order of the learned Judge warranting interference by this Court.

8. In view of the fact that the petitioner is not in a position to tell the stage of the I.A.No.453 of 2015 while filing these Civil Revision Petitions, the Civil Revision Petitions are dismissed with cost of Rs.1,000/- (Rupees One Thousand only) in each petition to be paid to the respondent within a period of two weeks from the date of receipt of a copy of this order, failing which, DOP.NO.74 of 2015 filed by the petitioner has to be dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True copy/



To

The IV Additional District Judge,
Tirunelveli.

+1cc to Mr.S.Senthil Sankara Nantha Kumar, Advocate, 12915

+1cc to Mr.J.Ashok, Advocate, SR.No:12566

trp

AE/SV MMS/SAR2/10.04.2017/3P/4C

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