



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2017

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (MD) No.1496 of 2013 (PD)

and

M.P (MD) No.1 of 2013

Rajapushpam

... Petitioner/Petitioner/
Respondent

Vs.

Francis Vincent

... Respondent/Respondent/
Petitioner

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 02.07.2013 passed in I.A.NO.20 of 2013 in I.D.O.P.No.200 of 2010 on the file of the Principal District Judge, Thoothukudi.

For Petitioner : Mr.M.P.Senthil
For Respondent : No Appearance

ORDER

This petition was filed to set aside the fair and decreetal order dated 02.07.2013 passed in I.A.NO.20 of 2013 in I.D.O.P.No.200 of 2010 on the file of the Principal District Judge, Thoothukudi.

2. The learned counsel for the petitioner is present and there is no representation for the respondent.

3.In the matrimonial dispute, the respondent who is the revision petitioner has sought for an indulgence of the Court to record evidence through Advocate Commissioner on the ground of ill-health and ailments. The trial Court rejected her plea on the ground that there is no document to held that the petitioner was unable to move out of her house. Therefore, there is no need to examine the respondent through Advocate Commissioner.

4. This order has been passed on 02.07.2013 and the revision petition was filed by her in the month of September 2013. It is very unfortunately, after four years, this matter is listed before this Court.



5. The learned counsel for the revision petitioner submits that the health of the revision petitioner further deteriorated and bedridden. Now she is totally unable to move out of her house. The original petition filed by her husband for restitution of conjugal rights is pending for past seven years and the age of the parties are above 70 years. To give a quietus to the entire dispute, it is prudent to allow the revision petition to permit the revision petitioner to examine through the Advocate Commissioner.

6. Hence, the revision petition is allowed and the lower Court order is set aside and necessary steps should be taken by the revision petitioner at her own cost for being examined through Advocate Commissioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge,
Thoothukudi.

+ 1 CC TO Mr.S.MEENAKSHI SUNDARAM, ADVOCATE IN SR No. 59577
+ 1 CC TO Mr.M.P.SENTHIL, ADVOCATE IN SR No. 59284

MRN/SKM
TE/JC/SAR-II : 21/06/2017 : 2P/4C

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