

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

CORAM:

THE HON'BLE MR.JUSTICE P. VELMURUGAN

Civil Revision Petition No.1080 of 2018 and
C.M.P.No.5656 of 2018

T.P.Padmaja

...Petitioner/Respondent/Petitioner

Vs

K. Kumarakrishnan

...Respondent/Petitioner/Respondent

Prayer: Civil Revision Petition filed Under Article 227 of the Constitution of India against the order and decretal order in I.A.No.6 of 2018 in H.M.O.P.No.151 of 2015 on the file of the Hon'ble Judge, Family Court, Villupuram, dated 08.02.2018.

For Revision Petitioner : Mr.T.Dhanasekaran

For Respondent : Mr.N.Suresh for Caveator

O R D E R

Heard Mr.T.Dhanasekaran, the learned counsel appearing for the revision petitioner and Mr.N.Suresh, the learned counsel for the Caveator.

2. The respondent/husband filed a Petition for dissolution of marriage in H.M.O.P.No.330 of 2014 on the file of the Sub-Court at Tambaram on the ground of cruelty and desertion. During the pendency of the Petition, the revision petitioner/wife filed an interlocutory application under Section 24 of the Hindu Marriage Act, in I.A.No.140 of 2016, seeking an interim maintenance till the disposal of the Divorce Petition. The revision petitioner/wife has also filed an application in I.A.No.6 of 2018 before the trial Court for earlier disposal of the application for interim maintenance, and till its disposal sought for stay of the proceedings in H.M.O.P.No.330 of 2014. In the meantime, in the Divorce Petition, evidence was commenced and PW1 and PW2 were allowed to cross examine and the revision petitioner has also cross examined the witnesses PW1 and PW2.

3. According to the learned counsel for the revision petitioner, the application for interim maintenance has to be

decided first and hence, prayed for stay of the proceedings in the Divorce Petition, whereas, the Trial Court, by the impugned order, dated 08.02.2018, dismissed the I.A.No.6 of 2018. Challenging the same, the present Civil Revision Petition has been filed.

4. I am unable to accept the contention of the learned counsel for the revision petitioner, for the reason that, the revision petitioner is in the application under Section 24 without proceeding further, allowed the respondent/husband in the main petition to proceed with the H.M.O.P.No.151 of 2015. Therefore, at this stage of the matter, this Court cannot issue any direction staying the proceedings in the Divorce Petition.

5. In the facts and circumstances of the case, the Civil Revision Petition is dismissed. However, the Family Court Judge is directed to dispose of the application in I.A.No.140 of 2016 filed under Section 24 of Hindu Marriage Act, within a period of one month from the date of receipt of a copy of this order and thereafter proceed the Original Petition in H.M.O.P.No.151 of 2015 further in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

msm

To

The Judge, Family Court, Villupuram.

+1cc to Mr.T.DHANASEKARAN, Advocate, S.R.No. 37559
+1cc to Mr.N.SURESH, Advocate, S.R.No. 37329

C.R.P.No.1080 of 2018

TR(02/07/2018)

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