

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Review Application No.34 of 2018
and C.M.P.No.3257 of 2018
in C.R.P (NPD) No.3350 of 2017

Kalyana Soundari ... Petitioner/Respondent

Vs.

Vijaya Baskar ... Respondent/Petitioner

Prayer : Review Application filed under Order 47 Rule 1 and 2 read with Section 114 of Civil Procedure Code against the order of this Court in C.R.P.(NPD) No.3350 of 2017 dated 22.09.2017.

Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the order and decreetal order dated 18.07.2017 in I.A. No. 108/2014 in H.M.O.P.No.198 of 2014 on the file of Family Court, Thiruvallur.

For Petitioner : Mr.R.Srinivas
For Respondent : M/s.M.Balasubramaniam

O R D E R

For comprehensive reasons, the Civil Revision Petition has been filed under Section 115 of the Civil Procedure Code against the order allowing the application in I.A.No.108 of 2014 in H.M.O.P.No.198 of 2014 under Order VII Rule 11 of Civil Procedure Code.

2. The legal position is that there is an alternative remedy of appeal available and the petitioner must have filed proper appeal rather than filing Revision before this Court.

3. On receipt of the order, the respondent in Civil Revision Petition in C.R.P(NPD) No.3350 of 2017 has preferred the Review Application. In the meanwhile, the Revision Petitioner has also filed an application for converting the revision into an appeal.

4. In such circumstances, the order passed in C.R.P.(NPD)

No.3350 of 2017 dated 22.09.2017 is recalled.

5. Registry is directed to convert the revision petition into an appeal and post the same before the appropriate bench for disposal on merits.

6. With the above observations, this Review Application is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

The Judge
Family Court, Thiruvallur.

Copy to

1. The Registrar(Judicial)
High Court, Madras.
2. The Sub Assistant Registrar(A.E.) (Civil)
High Court, Madras.
3. The Sub Assistant Registrar
Judicial Section, High Court, Madras.

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MR(CO)
SP(05/04/2018)