

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.06.2018

CORAM

The Hon'ble Mr.Justice **P.VELMURUGAN**

CRP(NPD)No.1572 of 2018

Mr.M.Mohamed Haja Shariff .. Petitioner

vs.

Mrs.K.Sumaiya Parveen .. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the judgment and decree dated 28.02.2018 made in O.S.No.6 of 2017 on the file of the I Additional Family Court, Chennai.

For Petitioner ... Ms.H.Hamsa

ORDER

The Civil Revision Petition has been filed by the petitioner seeking to set aside the judgment and decree dated 28.02.2018 made in O.S.No.6 of 2017 on the file of the I Additional Family Court, Chennai.

2. The petitioner herein is the plaintiff and the respondent herein is the defendant.

3. The brief facts of the case are as follows:

The petitioner filed a suit in O.S.No.6 of 2017 under Order VII Rule 1 CPC read with Section 281 of Mohamadan Law for restitution of conjugal rights on the file of the I Additional Family Court, Chennai and the same was dismissed on 28.02.2018. Aggrieved by the same, the present Civil Revision Petition has been filed.

4.The learned counsel for the petitioner submitted that the judgment passed by the learned Judge is contrary to law and vitiated by the material irregularities. Moreover, the learned Judge without considering the case of the petitioner, erroneously dismissed the petition, as the petitioner is willing to live with the respondent. Hence, the learned counsel requested this Court to set aside the judgment and decree passed by the Court below and allow the civil revision petition.

5.Heard the learned counsel for the petitioner and perused the materials available on record.

6.On a perusal of records, it is seen that the suit is filed for restitution of conjugal rights before the Family Court. The suit was taken up for hearing as early as 13.02.2017 and thereafter, the suit

was referred for counselling. After counselling, the matter was again referred to the Court.

7. When the matter was taken up for hearing on 28.02.2018, both the parties and their respective counsel were present. The respondent/wife has reiterated her stand that she is not willing for reunion with her husband. Therefore, the learned Judge rightly dismissed the suit holding that both the parties are not interested in living together irrespective of counselling given to them. There is no illegality or infirmity in the order passed by the Court below warranting interference.

In the result, the Civil Revision Petition is dismissed. No costs.

04.06.2018

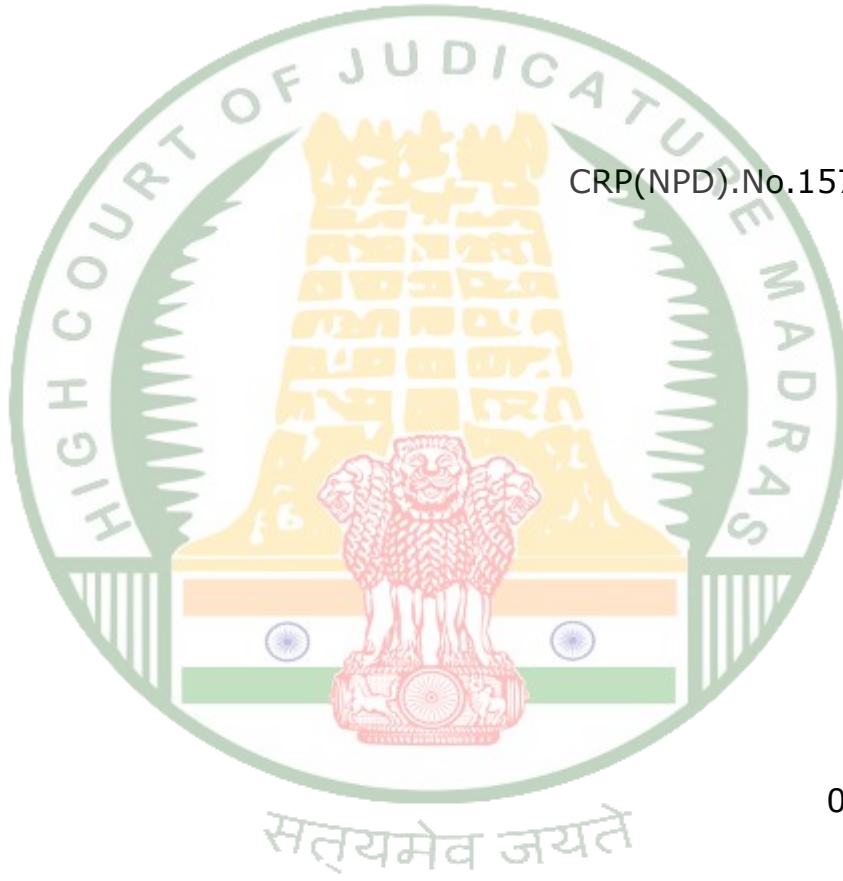
Index:Yes/No
Speaking Order:Yes/No

cla

To

The I Additional Family Court,
Chennai.

P.VELMURUGAN.J,
cla



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