



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.2396 of 2017
& CMP.No.11282 of 2017

R.Palanisami

..Petitioner/Respondent/Respondent

Vs.

M.Sumathi

..Respondent/Petitioner/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 03.06.2017 made in I.A.No.464 of 2017 in F.C.O.P.No.36 of 2015 on the file of the Family Court, Erode by allowing the Civil Revision Petition.

For petitioner :Mr.D.Gopal

For Respondent :Mr.S.Mukunth

for M/s.Sarva Bhauman Associates

ORDER:

The respondent has filed the Divorce petition in F.C.O.P.No.36 of 2015 against the petitioners. The Revision petitioner herein has filed an application in I.A.No.464 of 2017 for reopening the petitioner's evidence for adducing further evidence examining the mother of the petitioner. The said application was allowed and therefore, the petitioner preferred Civil Revision petition before this Court.

2. The Learned counsel for the petitioner would submit that after concluding the petitioner's side evidence, R.W.2 is the father of the respondent, who have been examined on the side of the Revision petitioner. The Court below without considering the contention of the petitioner, by holding that the respondent's mother has to be examined in the present original petition so as to enable the petitioner to disprove the allegations made by the petitioner. According to the petitioner, the respondent herein has filed an application in I.A.No.464 of 2017, for reopening the petitioner side evidence for adducing further evidence, by examining the petitioner's mother. Therefore, the order passed by the Court below is liable to be set aside.



3. Per contra, learned counsel for respondent submits that the evidence was commenced in the Original Petition on 23.01.2017. The petitioner herein was examined as P.W.1 and thereafter, the evidence of R.W.2 was examined on 27.04.2017. After concluded the evidence of the respondent, the Original Petition is posted for argument, on the date, the present application filed by the respondent herein.

4. The learned counsel for the respondent would submit that the respondent will examine only the respondent's mother, no other evidence will be examined on the side of the respondent. In view of the above, the petitioner has no serious objections for allowing the petitioner's mother alone to be examined as a witness on the side of the respondent.

6. In view of the facts and the submissions of the parties, this C.R.P. stands dismissed. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

sk/kak

To

The Presiding officer
The Family Court,
Erode.

+1 CC to Mr.D. Gopal, Advocate sr 10152.

+1 CC to M/s.Sarva Bhauman Associates, sr 10351.

C.R.P. (PD) .No.2396 of 2017 &
C.M.P.No.11282 of 2017

CNR(CO)
SP(12/03/2018)