

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

C.R.P(PD) No.4055 of 2018

and

CMP.No.22398 of 2018

Sakthivel

..Petitioner

Vs

Ananthi

..Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decretal Order dated 26.10.2018 made in I.A.No.603/2018 in I.A.No.447/2017 in H.M.O.P.No.11/2017 on the file of the Court of the Subordinate Judge, Perundurai by allowing this Civil Revision Petition.

For Petitioner

:Mr.R.Arun Dattan

ORDER

The prayer sought for in the present petition is to set aside the Fair and Decretal Order dated 26.10.2018 made in I.A.No.603/2018 in I.A.No.447/2017 in H.M.O.P.No.11/2017 on the file of the Court of the Subordinate Judge, Perundurai

M.S. RAMESH.J.,

vsn/dh

2. The order of the learned Subordinate Judge, Perundurai refusing to summon four named witnesses does not suffer from any infirmity, for the reason that the issue with regard to payment of maintenance has no nexus with the proof of adultery, which the petitioner seeks to establish through the witnesses. When the main petition for divorce is pending, in which the petitioner has raised grounds of adultery, establishing such a ground of adultery in the main petition would be more appropriate and not in an interim application for maintenance. As such, I do not find any infirmity in the order of the Court below rejecting the petitioner's application filed under Order 16 Rule 1(ii) of CPC.

3.Hence, Civil Revision Petition is dismissed. Consequently connected miscellaneous petition is closed. No Costs.

17.12.2018

Index : Yes/No
Internet : Yes/No
vsn/dh

To
The Learned Subordinate Judge,
Perundurai.

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