



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.2306 of 2018

and

C.M.P. (MD) No.10295 of 2018

Sudali Muthulatha

... Petitioner

Vs.

V.G.Vanniyaraja

... Respondent

PRAYER:- Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 31.08.2018, made in I.A.No.51 of 2018 in H.M.O.P.No.36 of 2017, passed by the learned Subordinate Judge, Tiruchendur.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.S.Vellaichamy

ORDER

Heard the learned Counsel appearing on either side and perused the documents placed on record.

2. The parties before this Court are couples and their marriage was solemnized on 12.02.2012, but, they have no issues. Right from the date of marriage, there was misunderstanding between the couples, which led the respondent / husband in filing H.M.O.P.No.36 of 2017 (Old No.H.M.O.P.No.76 of 2013), seeking divorce. After the examination of respondent / husband, the case was posted for the evidence of the petitioner. But, the petitioner failed to let-in her side of evidence and after several adjournments, her evidence was completed. Thereafter, she requested for letting-in additional evidence, but, instead of letting-in evidences, the petitioner sought repeated adjournments and therefore, the learned Judge has closed the evidence. Subsequent thereto, the petitioner has filed I.A.No.51 of 2018 to re-open the evidence, so as to examine additional witness. But, the same was dismissed by the learned Subordinate Judge, Tiruchendur, by an order dated 31.08.2018. This order is under challenge in this civil revision petition.

3. When the matter came up for hearing today, the learned Counsel appearing for the respondent submitted that the respondent is not having any serious objections in allowing the present revision petition, provided the petitioner enters into the Box



within a stipulated time frame, which is also accepted by the learned Counsel for the petitioner.

4. In such a view of the matter, the order impugned in this civil revision petition dated 31.08.2018 is quashed and the petition in I.A.No.51 of 2018 is allowed. The learned Judge is directed to fix a specific date for letting-in additional evidence and on the said date, the petitioner shall appear and let-in evidence. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. If the petitioner fails to avail this opportunity, the learned Judge shall record the same and proceed further in the manner known to law.

5. This civil revision petition stands allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-I)

To
The Subordinate Judge,
Tiruchendur.

- 1 CC TO Mr.H.ARUMUGAM , ADVOCATE IN SR No. 98217.
- + 1 CC TO Mr.S.VELLAICHAMY , ADVOCATE IN SR No.98008.
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- GK
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