



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.R.P.(MD) (PD)No.548 of 2017andC.M.P.(MD)No.2525 of 2017Rajalakshmi ... Petitioner/Respondent/1st Respondent

/Vs./

D.Jeyakumar ... Respondent/ Petitioner/ Petitioner

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to allow the CRP with costs by setting aside the fair and decreetal order passed in I.A.No.104 of 2016 in H.M.O.P.No.145 of 2014 on the file of the Family Court, Srivilliputtur dated 05.10.2016.

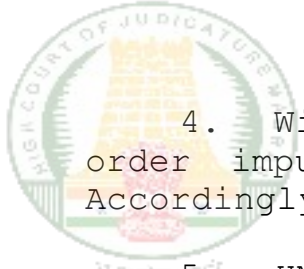
For Petitioner : Mr.A.Sivaji
For Respondent : Mr.M.Ashok Kumar

ORDER

The respondent herein filed H.M.O.P.No.145 of 2014 on the file of the Family Court, Srivilliputtur seeking dissolution of his marriage with the revision petitioner on the ground of adultery. Trial in this case has commenced. At this stage, the petitioner herein wanted to file an additional counter. In order to get the leave of the Court, I.A.No.104 of 2016 was filed. But the Court below by order dated 05.10.2016 dismissed the said IA. Questioning the same, this civil revision petition has been filed.

2. Heard the learned counsel on either side.

3. In this case, the respondent had already adduced his evidence. He has also been cross examined by the revision petitioner. The matter was posted for examination of the revision petitioner herein. Therefore, the question of permitting the revision petitioner to file additional counter at this stage will not arise. However, whatever evidence the revision petitioner wants to adduce, can be allowed to be let in. The revision petitioner wants the respondent namely Jeyakumar to be recalled for further cross examination. The petitioner is given liberty to file application in this regard. On such application, the trial Court shall allow the same. In other words, the respondent namely Jeyakumar is permitted to be recalled for further cross



4. With this liberty to the revision petitioner herein, the order impugned in this civil revision petition is sustained. Accordingly, this civil revision petition is dismissed.

5. HMOP is of the year 2014. Hence, the Court below shall dispose of H.M.O.P.No.145 of 2014 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Family Court Judge, Srivilliputtur.

+1cc to Mr.M.Ashok Kumar, Advocate Sr.No.89647

SM

VB/RP/SAR1/19.11.2018/2P/3C

Order made in
C.R.P. (MD) (PD) No.548 of 2017
09.10.2018