



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.06.2018

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THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No.1218 of 2018
and
CMP (MD) No.5157 of 2018

Narmatha .. Petitioner

vs

Krishnakumar .. Respondent

Prayer: Civil Revision is filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order passed by the Subordinate Judge, Virudhunagar in I.A.No.12 of 2018 in HMOP.No.57 of 2016 dated 08.03.2018 and set aside the same by allowing this civil revision petition.

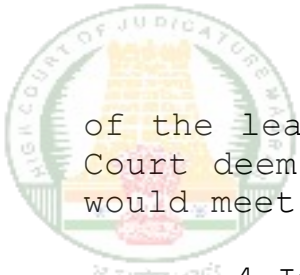
For Petitioner : Mr.M.Thirunavukkarasu

ORDER

Though the petitioner herein challenges the order of recall of P.W.1 (revision petitioner) made in I.A.No.2 of 2018 in H.M.O.P.No.57 of 2016 dated 08.03.2018 on the file of the learned Sub-Court, Virudhunagar, during the course of argument the learned counsel for the petitioner restricted his relief to the extent of conceding for cross examination of P.W.1, revision petitioner during the month of December 2018, as she is studying at United States and she is yet to return to India and further plea was made for a direction to the Lower Court to dispose of the H.M.O.P. within a stipulated period.

2.Considering the fact that the petitioner herein is studying at U.S.A. and is yet to return to India on 20.12.2018 and will be available till 15.01.2019, the learned counsel for the revision petitioner made a request before this Court that PW1, the petitioner herein may be cross examined between 20.12.2018 to 15.01.2019 by the respondent herein and in the meantime the evidence on the side of the respondent may go on and in such event <https://hcservices.mca.gov.in/hcservices> would be caused to the respondent herein.

3.This Court finds that there is fairness in the submission



of the learned Counsel for the revision petition. Therefore, this Court deems fit and proper to issue the following direction, which would meet the ends of Justice.

4. In the result:

(a) this Civil Revision Petition is dismissed and the order and decree made in I.A.No.12 of 2018 in H.M.O.P.No.57 of 2016 dated 08.03.2018 on the file of the learned Sub-Court, Virudhunagar is confirmed;

(b) the trial Court is directed to proceed with the case by taking evidence of the respondent; and

(c) the trial Court is directed to recall PW1, revision petitioner for the purpose of cross examination by the respondent herein and to complete the same between 20.12.2018 to 15.01.2019 and the trial Court is further directed to dispose of the H.M.O.P.No.57 of 2016 within a period of three months thereafter, but not later than 30th of April 2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Virudhunagar.

+1cc to Mr.M.THIRUNAVUKKARASU, Advocate, SR.No.69169

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and

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