



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1165 of 2016

and

C.M.P. (MD) .No.5714 of 2016

Nagarajan .. Revision Petitioner/Petitioner/Petitioner
/Vs./

Latha .. Respondent/Respondent/Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition and set aside the order passed in I.A.No.115 of 2015 in H.M.O.P.No.33 of 2011 on the file of the Subordinate Judge, Sivakasi, dated 22.03.2016.

For Petitioner : Mr.M.Ashokkumar

For Respondent : Mr.P.Arun Jayatran

ORDER

The revision petitioner herein filed H.M.O.P.No.33 of 2011 on the file of the Sub Court, Sivakasi, seeking divorce. In the said H.M.O.P, I.A.No.115 of 2015 was filed by the petitioner herein to recall RW1 for further cross examination. The said application was dismissed by order, dated 22.03.2016. The correctness of the said order is questioned in this Civil Revision Petition.

2.Heard the counsel on either side.

3.It is seen that the petitioners want to bring on record certain subsequent developments which have a bearing on the case on hand. Therefore, I am of the view that the Court below erred in dismissing the I.A in question. It is alleged that during the pendency of the H.M.O.P the respondent gave Criminal complaint against the petitioner, leading to his arrest and subsequent prosecution. It appears that he was finally acquitted. These developments are definitely relevant and will have to be taken note of by the Court below. In this case, if the respondent was not recalled, these aspects cannot be brought on record. In this view of the matter, the order impugned is set aside. The Civil Revision petition is allowed. Since the H.M.O.P. is of the year



2011, the Court below is directed to dispose the H.M.O.P within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Sub Judge, Sivakasi.

+1 CC To MR.M.ASHOK KUMAR, Advocate SR. NO.82074

+1 CC To MR.P.ARUN JAYATRAM, Advocate SR. NO. 81805

C.R.P. (PD) (MD) No.1165 of 2016

TM

TR/RP/SAR-IV(03.10.2018)2P 4C