



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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CRP (PD) (MD)No.1397 of 2016

and

CMP(MD)No.6799 of 2016

Paramasivan ... Petitioner /Petitioner /Petitioner

Vs.

1.M.Duraichi

2.Thangammal ...Respondents/Respondents /Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the order passed by the learned Subordinate Judge, Ambasamudram in I.A No.35 of 2014 in HMOP No.73 of 2013 vide his order dated 21.04.2016 and set aside the same.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.R.J.Karthick for R1

ORDER

HMOP No.73 of 2013 on the file of the Sub Court, Ambasamudram has been filed by the revision petitioner herein for dissolving his marriage with the first respondent. The case of the revision petitioner is that the first respondent has become mentally unsound and that therefore she must be subjected to medical examination. He therefore filed I.A No.35 of 2014. The court below by order dated 21.04.2016 dismissed the said I.A. Challenging the same, this civil revision petition has been filed.

2.Heard the learned counsel on either side.

3.The court below has dismissed the said I.A even without enquiring the first respondent in person. Therefore, the order impugned in this civil revision petition is set aside and the matter is remitted to the file of the court below. The court below shall examine the first respondent and if it comes to the conclusion that there is prima facie basis in the allegation made by the revision petitioner, it shall pass appropriate orders in the I.A in question. The matter is remitted only for the reason that the court below has not even chosen to examine the first respondent in person on its own.



4.The civil revision petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-
Assistant Registrar(T&P)

Sub Assistant Registrar(CS-II)

To

The Subordinate Judge,
Ambasamudram.

+1CC to Mr.P.Samuel Gunasingh, Advocate, SR.No.91540
+1CC to Mr.R.J.Karthick, Advocate, SR.No.91276

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