



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2305 of 2016 and
C.M.P.(MD)No.10617 of 2016

G.Chandrasekaran

... Revision Petitioner/Petitioner/
Petitioner

Vs.

Rejinamary

... Respondent/Respondent/
Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of return in I.A.SR.No.778 of 2016 in H.M.O.P.No.143 of 2014, dated 04.11.2016 on the file of the Family Court, Srivilliputhur, Virudhunagar District and direct the trial Court to number the same and dispose of it on merits and in accordance with law.

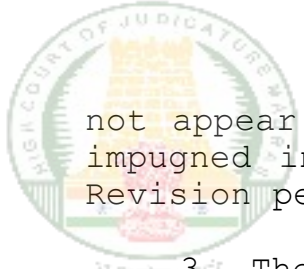
For Petitioner
For Respondent

: Mr.C.T.Perumal
: Mr.S.C.Herold Singh

O R D E R

The petitioner in H.M.O.P.No.143 of 2014 on the file of the Family Court, Srivilliputhur, is the Revision petitioner herein. The petitioner got married to the respondent on 17.03.2013. Since the relationship between the parties had come under strain, the petitioner filed the said H.M.O.P. for dissolving their marriage. Evidence was adduced on either side. The matter was posted for arguments. At this stage, the petitioner filed I.A.SR.No.778 of 2016 for examining two more witnesses on his side. The Court below declined to number the said application. Challenging the stand of the Court below declining to number the said application, this Civil Revision petition has been filed.

2. The Interlocutory application in question is only for reopening the H.M.O.P. This Court is of the view that the Court below could have numbered the application and disposed of the same on merits. Returning the said application without numbering does



not appear to be justified. In this view of the matter, the order impugned in this Civil Revision petition is set aside. The Civil Revision petition stands allowed, accordingly.

3. The Registry to return the original I.A.SR.No.778 of 2016 filed by the Revision petitioner for reopening before the Court below.

4. The Court below shall number the said application and dispose of the same in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The main H.M.O.P. shall be disposed of within a period of three months, thereafter.

5. The learned counsel on either side submit that they are not sure, if the H.M.O.P. is pending or not. If the H.M.O.P. itself has been disposed of, the order passed in this Civil Revision petition of course will not take any effect.

No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judge,
Family Court, Srivilliputhur,
Virudhunagar District

- 1 CC TO Mr.C.T.Perumal , ADVOCATE IN SR No.86268.
- + 1 CC TO Mr.S.C.Herold Singh , ADVOCATE IN SR No. 86407.

pmu

DS RP SAR3 27 10 2018 2P 4C

C.R.P. (MD) .No.2305 of 2016 and
C.M.P. (MD) No.10617 of 2016

24.09.2018