



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.08.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.479 of 2016 (PD)
and
CMP(MD)No.2067 of 2016

Subburaj ... Petitioner/Petitioner/Petitioner
Vs.
Latha ... Respondent/Respondent/Respondent

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 10.08.2015 in I.A No.3 of 2014 in HMOP No.80 of 2007 on the file of the Sub Court, Kovilpatti.

For Petitioner : Mr.S.Pon Senthil Kumaran
For Respondent : Ms.J.Mariya Roseline

ORDER

The revision petitioner got married to the respondent herein on 04.04.1993. Claiming dissolution of the said marriage, the revision petitioner filed HMOP No.80 of 2007 on the file of the Sub court, Kovilpatti. Wanting to withdraw same with liberty to file a fresh one on the same cause of action as well as additional grounds, he filed I.A No.3 of 2014. The same was dismissed by order dated 10.08.2015. Questioning the correctness of the said order, this Civil Revision Petition has been filed.

2.Only when a petition suffers from a formal defect, it can be allowed to be withdrawn with liberty to file a fresh one on the same cause of action. In this case, no such case is made out. Therefore, I am of the view that the order passed by the court below does not call for any interference. This Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To
The Sub Judge, Kovilpatti.

+1CC to Mr.S.Pon Senthil Kumaran, Advocate, SR.No.80388
+1CC to Ms.J.Mariya Roseline, Advocate, SR.No.80476

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