



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.544 of 2016

and

C.M.P. (MD) .No.2350 of 2016

N.Suguna

.. Petitioner/Petitioner/Respondent

Vs.

D.Udhayasankar

.. Respondent/Respondent/Petitioner

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India, to allow the Civil Revision Petition setting aside the fair and decreetal order in I.A.No.3 of 2015 in H.M.O.P.No.78 of 2014 on the file of the learned Subordinate Court, Pattukkottai, dated 04.01.2016 with cost.

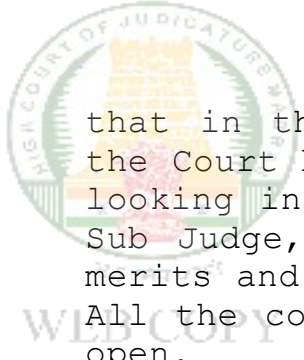
For Petitioner	:	Mr.D.Selvanayagam
For Respondent	:	No Appearance

ORDER

The petitioner herein is the respondent in H.M.O.P.No.78 of 2014 on the file of the Sub Court, Pattukkottai. The respondent herein got married to the petitioner on 09.02.2009. The relationship between the parties appears to come under strain, H.M.O.P.No.9 of 2012 was filed seeking restitution of conjugal rights and the same was allowed. Subsequently, the respondent filed H.M.O.P.No.44 of 2013 before the Sub Court, Pattukkottai for divorce. Later he withdrew the said H.M.O.P., but without getting any liberty to file a fresh petition on the same cause of action. Thereafter, the present H.M.O.P.No.78 of 2014 was filed.

2.The revision petitioner herein filed I.A.No.3 of 2015 for rejection of the said original petition. The Court below by order dated 14.01.2016 dismissed the same. Aggrieved by the order of dismissal this Civil Revision Petition has been filed.

3.The learned counsel for the petitioner took this Court to the earlier H.M.O.P.No.44 of 2013 filed by the respondent herein. But, then this Court pointed out the learned counsel



that in the I.A.No.3 of 2015, no documents were marked before the Court below. Therefore, this Court will not be justified in looking into the same. However, this Court directs the learned Sub Judge, Pattukkottai to dispose of H.M.O.P.No.78 of 2014 on merits and in accordance with law within a period of two months. All the contentions available to the petitioner herein are left open.

4.Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl Side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Sub Judge, Pattukkottai.

+1cc to Mr.D.Selvanayagam,Advocate Sr.No.80707

C.R.P. (PD) (MD) No.544 of 2016
28.08.2018

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DS/NP/SAR 1/03.10.2018/2P/3C