



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.64 of 2016

and

C.M.P. (MD) No.262 of 2016

K.Ganesh Kumar

... Petitioner/Respondent/
Respondent

Vs.

P.Sathyakala

... Respondent/Petitioner/
Petitioner

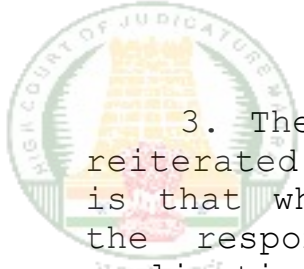
PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the petition in I.A.No.200 of 2015 in H.M.O.P.No.57 of 2015 on the file of the learned Subordinate Judge, Ramanathapuram and struck off the petition in I.A.No.200 of 2015.

For Petitioner	: Mr.C.Susikumar, for Mr.D.Balasubramanian.
For Respondent	: M/s.S.Srimathy, for Mr.S.M.S.Johny Basha.

O R D E R

The petitioner is the husband. The respondent is the wife. The petitioner filed H.M.O.P.(SR)No.4189 of 2015 before the Family Court, Chennai, for divorce. The respondent wife filed H.M.O.P. No.57 of 2015 before the Subordinate Court, Ramanathapuram, seeking restitution of conjugal rights. The petitioner filed TR.C.M.P.No.548 of 2015 for transferring H.M.O.P.No.57 of 2015 filed by the respondent from the Subordinate Court, Ramanathapuram to any other Family Court, Chennai. The said Transfer Civil Miscellaneous petition was dismissed by order dated 06.10.2015.

2. It appears that the said dismissal was for default. Therefore, the learned counsel appearing for the Revision petitioner submitted that he has taken out an application for restoration of the same. In the meanwhile, the respondent filed TR.C.M.P.No.215 of 2015 before this Court for transferring the proceedings initiated by the Revision petitioner herein from the Family Court, Chennai to the Ramanathapuram Court. An order of Interim Stay was also granted. The matter was referred to Mediation. In the meanwhile, the respondent filed I.A.No.200 of 2015 in H.M.O.P.No.57 of 2015, seeking payment of interim alimony and other reliefs. To strike off the said application, the Civil Revision petition has been filed.



3. The learned counsel appearing for the Revision petitioner reiterated the grounds set out in the memorandum. His contention is that when the Transfer Civil Miscellaneous petition filed by the respondent is pending before this Court and when his application for restoration is also pending, it is unreasonable on the part of the respondent to take out the said Interlocutory application.

4. This Court is unable to agree with the submissions of the learned counsel appearing for the Revision petitioner. Admittedly, there is no stay of the proceedings in H.M.O.P.No.57 of 2015 on the file of the Subordinate Court, Ramanathapuram. The respondent is well within her rights to file I.A.No.200 of 2015. The trial Court has not passed any orders straightaway. It taken up the matter for enquiry. Therefore, no case is made out for interference. There is no merit in this Civil Revision petition.

5. The Civil Revision petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Subordinate Judge,
Ramanathapuram.

Pmu

VB/SV/SAR2/07.09.2018/2P/2C

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