



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.10.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1599 of 2018
and
C.M.P. (MD) No.7018 of 2018

Kaleeswari

...Petitioner / Petitioner

-vs-

Boomiraja

...Respondent/ Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decreetal order made in I.A.No.186 of 2017 in H.M.O.P.No.79 of 2015 by the Family Court, Dindigul dated 28.06.2018.

For Petitioner : Mr.D.Venkatesh

For Respondent : No Appearance

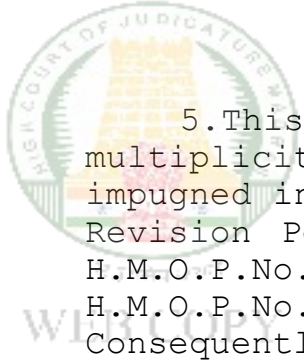
ORDER

The revision petitioner herein filed H.M.O.P.No.79 of 2015 before the Family Court, Dindigul seeking restitution of conjugal rights. The respondent has filed his counter in the said petition. In view of the allegations made in the counter, the revision petitioner herein deemed it necessary to file her reply statement. Therefore, she filed I.A.No.186 of 2017 in this regard. The Court below by order dated 28.06.2018, has dismissed the said application. Questioning the same, this Civil Revision Petition has been filed.

2.Though the respondent has been served and his name appeared in the cause list, he does not enter appearance either in person nor through counsel.

3.The trial in HMOP is yet to commence. The Court below has noted that in the reply statement new facts have been pleaded, that is why, the application filed by the revision petitioner to receive her reply statement was dismissed.

4.The learned counsel appearing for the revision petitioner would submit that the respondent has filed H.M.O.P.No.12 of 2017 seeking divorce and the counter filed by the revision petitioner in the divorce petition filed by the respondent, is the reply statement in the present HMOP.



5. This Court is therefore of the view that this would avoid multiplicity of proceedings. In this view of the matter, the order impugned in this Civil Revision Petition is set aside and this Civil Revision Petition is allowed. The Court below shall jointly try H.M.O.P.No.79 of 2015 filed by the revision petitioner and H.M.O.P.No.12 of 2017 filed by the respondent herein. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

The Judge, Family Court, Dindigul.

+1CC to Mr.D.Venkatesh, Advocate, SR.No.88372

C.R.P. (PD) (MD) No.1599 of 2018
03.10.2018

TA
ES/SKN/RSK/SAR 2/04.12.2018/2P/3C