



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P.(PD) (MD) No.1681 of 2018

WEB COPY

Vinoth Kumar

...Petitioner/Petitioner

Vs.

Kokila

...Respondent/Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the refusal to receive the petition in I.A.No. Not known of 2018 dated 21.06.2018 by the petitioner in H.M.O.P.No.14 of 2018 on the file of the Family Court, Sivagangai, and to direct the learned family court, Sivagangai to receive the same.

For Petitioner : Mr.S.R.Anbarasu

O R D E R

The Civil Revision Petitioner sought to file a petition in I.A.No.... Not known of 2018 in H.M.O.P.No.14 of 2018 before the Family Court, Sivagangai, seeking to examine the Sub Inspector of Police, viz., Maheshwari. But the said petition was not received by the learned Judge. Hence, the present Civil Revision Petition has been filed.

2.I have heard the learned counsel for the petitioner and perused the materials placed before this Court.

3.Since the petitioner has sought for only a direction to number the suit, no notice is necessary to the respondent, which would cause no prejudice anyway to the respondent.

4.It is an admitted fact that the petitioner has filed I.A before the Family Court, Sivagangai on 21.06.2018, which was also mentioned at Page No.2 of the Civil Revision Petition. Admittedly, the petitioner has filed the said petition only in the open Court, which is the usual practice, which ought to have been received by the learned Judge and make an endorsement and thereafter, the said petition shall be sent to the Registry for numbering it.

5.The learned counsel for the petitioner submitted that the learned Judge has not received the petition and told in the open Court that the judgment will be pronounced in the H.M.O.P., on 30.07.2018. He further submitted that without receiving the said



petition, the learned Judge says that the judgment will be passed in the H.M.O.P., but no judgment has been passed in the matter and the same is adjourned to 2nd September 2018.

6.If the party is present in the Court, the learned Judge ought to have receive the petition and either number it or return it with an endorsement for not numbering the case. But, in the case on hand, the learned Family Court Judge, Sivagangai, is not at all received the petition, which is totally causing injustice to the petitioner. Therefore, I am inclined to pass the following order.

The petitioner is directed to present the I.A within a period of one week from the date of receipt of a copy of this order. On filing of such petition, the Family Court Judge, Sivagangai is directed to receive the said petition and number it and dispose of the same within a period of three months thereafter, by giving notice to both parties.

With the above direction, this Civil Revision Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Family Court Judge,
Sivagangai.

Copy to :

The Section Officer,
E.R.Section,
Madurai Bench Of Madras High Court,
Madurai.

+1CC to Mr.S.R.Anbarasu Advocate in SR.No.77302.

NS

DS/SKN/RSK/SAR-1 :16.08.2018: 2P/4C

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