



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.2122 of 2018

Paranidharan

...Petitioner

/Vs./

Divya

...Respondent

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to direct the Principal Sub Court, Kumbakonam to number the unnumbered E.P.No. Of 2018 in I.A.No.88 of 2017 in H.M.O.P.No.73 of 2017 on the file of the Principal Sub Court, Kumbakonam, Thanjavur District and decide the same on merit and allow the above said CRP.

For Petitioner: Mr.G.Gomathi Sankar

ORDER

The respondent in H.M.O.P.No.73 of 2017 on the file of the Principal Sub Court, Kumbakonam is the revision petitioner herein. The petitioner got married to the respondent herein on 29.03.2013. A male child was born through the wedlock. The respondent filed the said H.M.O.P.No.73 of 2017 for dissolving the said marriage. The petitioner herein filed I.A.No.88 of 2017 for visitation rights. The said I.A.No.88 of 2017 was ordered on 17.01.2018. The case of the revision petitioner is that the said order is not being complied with. Therefore, he filed E.P. for ordering the arrest of the respondent. Since the respondent is a woman, the Court below declined to even entertain the EP. Challenging the aforesaid stand of the Court below, this Civil Revision Petition has been filed.

2. This Court is of the view that the Court below was right in not entertaining the EP. That does not mean that the revision petitioner is remedy less. He can move the trial Court for stopping further proceedings in H.M.O.P.No.73 of 2017, unless the respondent herein adheres to the order passed on 17.01.2018 in I.A.No.88 of 2017. He can also institute contempt proceedings against the respondent. Therefore, in view of the availability of such other remedies, I am not inclined to interfere with the order



passed by the Court below. Accordingly, the civil revision petition is dismissed with liberty to the revision petitioner to work out his remedies before the Court below. No costs.

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Sd/-

Assistant Registrar (RTI)

// True Copy //

Sub Assistant Registrar(CS-III)

To
The Principal Sub Court, Kumbakonam,
Thanjavur District.

+ 1 CC TO MR.G.GOMATHI SANKAR, ADVOCATE IN SR NO.87507

SM
BU/PM/SAR-III :25.10.2018 : 2P/3C

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