



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(PD) (MD)No.2304 of 2018

Selvakumari

... Petitioner

Vs.

Harikesavaraja

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 10.07.2018 and direct the Principal District Judge's Court, Thoothukudi to number the application in I.A.S.R.No.2944 of 2018 in H.M.C.M.A.No.12 of 2018 and dispose the same on merits.

For Petitioner

: Mr.M.Saravanan

ORDER

The revision petitioner is the appellant in H.M.C.M.A.No.12 of 2018 before the Principal District Judge, Thoothukudi. The respondent herein filed H.M.O.P.No.327 of 2014 seeking divorce and the same is still pending. In the said H.M.O.P., the revision petitioner herein filed I.A.No.75 of 2017 seeking interim maintenance and litigation expenses. The learned trial Judge by an order dated 21.03.2018 dismissed the same. Challenging the same the revision petitioner filed H.M.C.M.A.No.12 of 2018 before the Principal District Judge, Thoothukudi. In the said appeal an Interlocutory Application was filed seeking stay of the original proceedings. The Court below declined to number the said application. Hence, the present Civil Revision Petition has been filed.

2.The revision petitioner is very much entitled to seek stay of original proceedings, during the pendency of the H.M.C.M.A.No.12 of 2018. Therefore, the Court below is directed to number the Interlocutory Application and dispose of the same, in accordance with law, within a period of two weeks thereafter. The Registry shall return the original Interlocutory Application in I.A.S.R.No.2944 of 2018 in H.M.C.M.A.No.12 of 2018 to the revision petitioner, so that, it can be re-presented before the I Appellate Court.



3. Accordingly, the civil revision petition is allowed. No costs.

Sd/-
Assistant Registrar(AE)

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Sub Assistant Registrar(CS-IV)

To

The Principal District Court,
Thoothukudi.

+1cc to Mr.R.Subramanian, Advocate in SR No.90606

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NM/SKN/SAR IV/22.10.18/2P/3C