



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P. (MD) (PD).No.413 of 2019
and
CMP (MD).No.2065 of 2019

M.Kannan

:Petitioner

Vs.

Praveena

:Respondent

PRAYER: The Civil Revision Petition has been filed under Article 227 of Civil Procedure Code to set aside the order and decreetal order dated 07.02.2019 made in I.A.No.28 of 2019 in H.M.O.P.No.93 of 2018 on the file of the Subordinate Judge, Kovilpatti and the Civil Revision Petition is to be allowed.

For Petitioner : Mr.R.Devaraj

ORDER

The Civil Revision Petition has been filed against the order and decreetal order dated 07.02.2019 made in I.A.No.28 of 2019 in H.M.O.P.No.93 of 2018 on the file of the Subordinate Judge, Kovilpatti.

2.The said Interlocutory application has been filed by the respondent-wife before the Family Court for the purpose of recalling the petitioner who was examined as P.W.1 for cross examination. On the side of the petitioner, nine documents were marked on 29.11.2018. Thereafter, cross examination was also completed.

3.It is the grievance of the petitioner that certain important questions were put to him and certain vital documents were also marked through him by her side. It is the further grievance of the petitioner that the lower Court failed to see that the chief and cross examination of P.W.1 and P.W.2 are all completed and evidence on the side of the petitioner was closed. Hence, this petition.

4.The respondent contended that already cross examination was done on 06.12.2018 from the respondent side. It is further contended that already the petitioner was examined elaborately and if at all, she has filed documents and those documents can be marked only through her side while she was examining before the Court and therefore, no interference is required for the well merited order of



the Family Court.

5.The Family Court observed the contentions raised by both the parties and allowed the application on the basis that the original petition filed relating to matrimonial dispute which should be addressed by considering the evidence let in by both sides and sufficient opportunities should be given to the parties to let in their evidence.

6.The grievance of the petitioner is that already P.W.1 was examined and if at all any further documents to be marked which can be marked during cross examination. This Court is of the view that since some important questions to be put to the petitioner and the certain vital documents also to be marked by the respondent, the prayer of the respondent before the trial Court cannot be rejected. Hence the order dated 07.02.2019 made in I.A.No.28 of 2019 in H.M.O.P.No.93 of 2018 on the file of the Subordinate Judge, Kovilpatti does not require any interference by this Court.

7.Accordingly, the Civil Revision Petition is dismissed. Consequently, CMP(MD).No.2065 of 2019 is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To
The Subordinate Judge,
Kovilpatti

+1cc to Mr.R.Devaraj, Advocate, SR.No.52381

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