



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP (MD)No.1768 of 2019

and

CMP (MD)No.9053 of 2019

Mahesh

... Petitioner

versus

Kaleeswari

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to call for records pertaining to the petition order dated 21.08.2019 passed in unnumbered I.A.No..... of 2019 in HMOP No.6 of 2019 on the file of the learned Subordinate Judge, Sankarankovil and to set aside the same as illegal.

For Petitioner : M/s.T.Indrachithu

ORDER

This Civil Revision Petition has been filed against the docket order of rejection in entertaining the unnumbered interlocutory application filed in HMOP No.6 of 2019 passed by the learned Subordinate Judge, Sankarankovil, on 21.08.2019.

2. The revision petitioner is the husband. He filed H.M.O.P.No.6 of 2019 before the learned Subordinate Judge, Sankarankovil, seeking divorce. Thereafter, he filed an application to examine the Inspector of Police, All Women Police Station, Sankarankovil, as a witness.

3. It is the contention of the revision petitioner that one of the children, namely, Ramdeep, is under the custody of the revision petitioner/father. While so, the wife/respondent has filed maintenance petition to maintain herself as well as Ramdeep and the other child and the said petition is pending. In order to prove that the child is under the custody of the revision petitioner/father, the revision petitioner has filed the above unnumbered interlocutory application before the Court below for the purpose of examining the Inspector of All Women Police Station, Sankarankovil.

4. According to the revision petitioner, the examination of the Inspector of All Women Police Station, Sankarankovil, is just and necessary. Since the child refused to go along with the mother, the said child is under the custody of the father. Only to establish the above said fact, he filed the above application to



examine the Inspector of Police.

5. Heard the learned counsel appearing for the revision petitioner and perused the records.

6. It is alleged that the child Ramdeep is under the custody of the revision petitioner. In order to prove the custody of the child with the revision petitioner, it is not necessary to examine the Inspector of Police, All Women Police Station, Sankarankovil, but, on the other hand, the revision petitioner can himself produce the child before the Court to prove the custody of the child. In such event, the Court below shall consider, whether it is required to award any maintenance to the wife/respondent and the other child. So, filing this application is unnecessarily pulling the Inspector of Police, All Women Police Station, Sankarankovil, which will no way be useful for the revision petitioner to prove his stand about the custody of the child, namely, Ramdeep.

7. Therefore, this Court is of the view that the Court below has rightly rejected the application, by leaving it open to the revision petitioner to establish the custody of the child by letting in proper evidence or by producing the child before the trial Court. The trial Court has well considered the application and passed the orders on the maintenance application. Therefore, this Court do not find any infirmities in the order passed by the Court below.

8. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Subordinate Judge,
Sankarankovil.

CRP(MD)No.1768 of 2019

04.10.2019

KK/SAR/08.11.2019/2P-2C/