

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Civil Revision Petition(PD) No. 433 of 2017

and
CMP No.2109 of 2017

A. Nadarajan

... Petitioner

Vs

Kavitha

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against order dated 03.11.2016 passed in I.A.No.564 of 2016 in M.O.P.No.354 of 2014 on the file of the Family Court at Pondicherry.

For Petitioner : Mr. Elizebath,
for S. Subbiah

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed to set aside the order dated 03.11.2016 passed in I.A.No.564 of 2016 in M.O.P.No.354 of 2014 on the file of the Family Court at Pondicherry, by allowing the Civil Revision Petition.

2. Though the name of the respondent is printed in the cause list, none appeared on behalf of the respondent.

3. The petitioner/husband has filed M.O.P.No.354 of 2014 before the Family Court, Pondicherry . During the pendency of the M.O.P., the respondent/wife has filed an interlocutory application in I.A.No.564 of 2016 for return of articles. The learned Family Court Judge by an order dated 03.11.2016 allowed the petition. Challenging the said order, the petitioner/husband has filed the present revision before this Court.

4. The learned counsel for the petitioner would submit that the petitioner/husband has already returned some of the articles and some of the articles are not available with him. He would further submit that he has also mentioned all these things in his counter, however, the learned Family Court Judge failed to consider all those things and ordered to the return of articles, which warrants the petitioner/husband to file this revision before this Court. He would also submit that list of articles was given to the respondent/wife.

5. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

6. Considering the submission made by the learned counsel for the petitioner and also the fact and circumstances of the case, the order passed by the learned Family Court Judge in I.A.No.564 of 2016 is

set aside. Since it is a family dispute, the learned Judge, Family Court, Pondicherry is directed to refer the matter to the Mediation Centre and sort out the problem through the Mediation. In case, mediation fails, the learned Judge, Family Court, Pondicherry is directed to pass orders on merits and in accordance with law after giving opportunity to both the parties and also considering the counter filed by the petitioner/husband. Since the M.O.P is pending from the year 2014, the learned Judge is also directed to dispose the M.O.P No.354 of 2014 within a period of 6 months from the date of receipt of a copy of this order.

7. With the above directions, this Civil Revision Petition is disposed of . No costs. Consequently, connected miscellaneous petition is closed.

20.07.2020

mrp

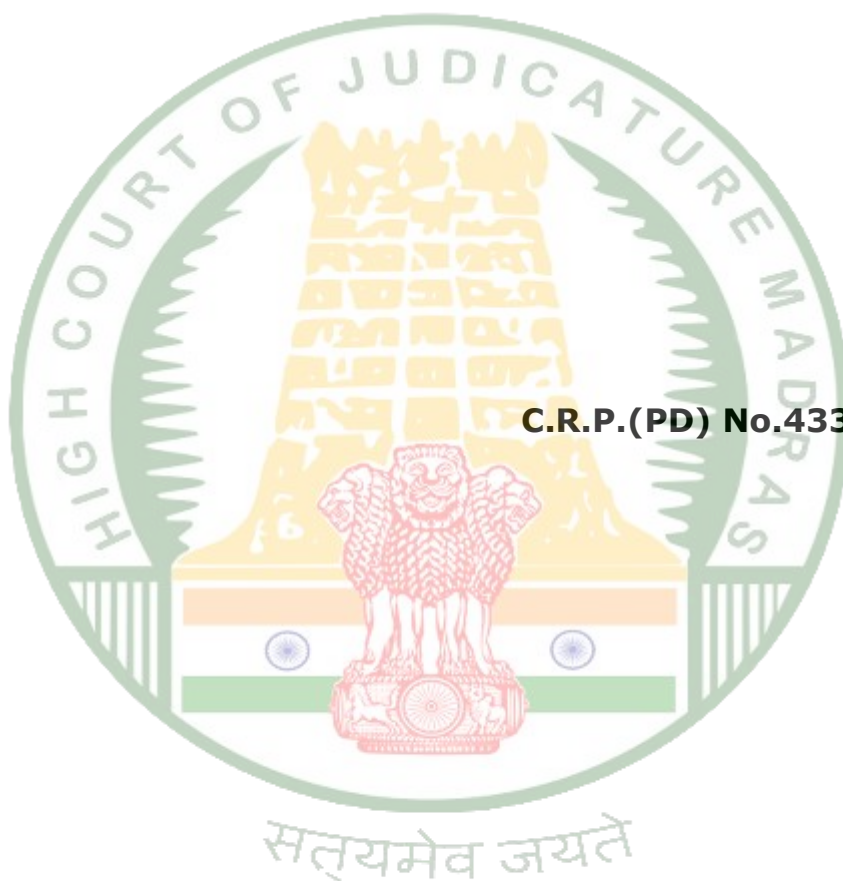
To

1. The Judge, Family Court, Pondicherry.
2. The Section Officer, V.R. Section, High Court, Madras

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P.VELMURUGAN,J.

mrp



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