

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.(PD) No.104 of 2021
and
C.M.P.No.984 of 2021

P.Sinduja

... Petitioner / Petitioner

Vs

B.Saravankumar

... Respondent / Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the Principal Subordinate Judge, Vellore, dated 06.07.2016 in I.A.No.57 of 2014 in H.M.O.P.No.54 of 2013.

For Petitioner

..

Ms.P.Sinduja

(Party-in-Person)

For Respondent

..

Mr.B.Saravanakumar

ORDER

The Civil Revision Petition has been filed questioning the order in I.A.No.57 of 2014 dated 06.07.2016 in H.M.O.P.No.54 of 2013 which is now pending on the file of the Subordinate Court, Vellore.

2.The respondent herein was directed to pay a sum of Rs.10,000/- as interim maintenance and another sum of Rs.10,000/- as litigation expenses. When the matter came up on the previous hearing date, namely, 16.06.2021 a direction was issued to the respondent to pay the arrears of Rs.50,000/- and also continue to pay the interim maintenance of Rs.10,000/-.

3.Heard Ms.P.Sinduja, who appeared as party-in-person and the revision petitioner who acknowledged that a sum of Rs.50,000/- had been paid by way of cheque and the cheque has also been honoured. Subsequently, the sum of Rs.10,000/- had also been paid.

4.One grievance expressed by Ms.P.Sinduja is that the signature in the cheque is of different persons. But that has been explained by the learned counsel for the respondent who stated that owing to the Covid-19

pandemic situation, the respondent is not able to generate income and to comply with the order of the Court, the respondent is somehow obtaining funds from the third parties to pay the revision petitioner herein.

5.Be that as it may, the revision may be disposed of with the following directions:-

(i).The trial in H.M.O.P.No.54 of 2013 is to continue once again and the petitioner in H.M.O.P.No.54 of 2013 is to be cross-examined by the revision petitioner herein.

(ii).Cross-examination to continue and thereafter, any other witness if necessary may be examined in chief on behalf of the petitioner in H.M.O.P.No.54 of 2013.

(iii).Thereafter, the respondent in H.M.O.P.No.54 of 2013 is to be examined in chief and has to be cross-examined.

6.Let the procedure be followed. Any Trial Court must give latitude to the parties to tender evidence on all issues, particularly, while deciding marital issues. I am confident that the learned Subordinate Judge, Vellore, would be able to dispose of the case at the earliest. No further orders are required.

C.V.KARTHIKEYAN,J.

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7.With the above observations, the Civil Revision Petition is disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

16.07.2021

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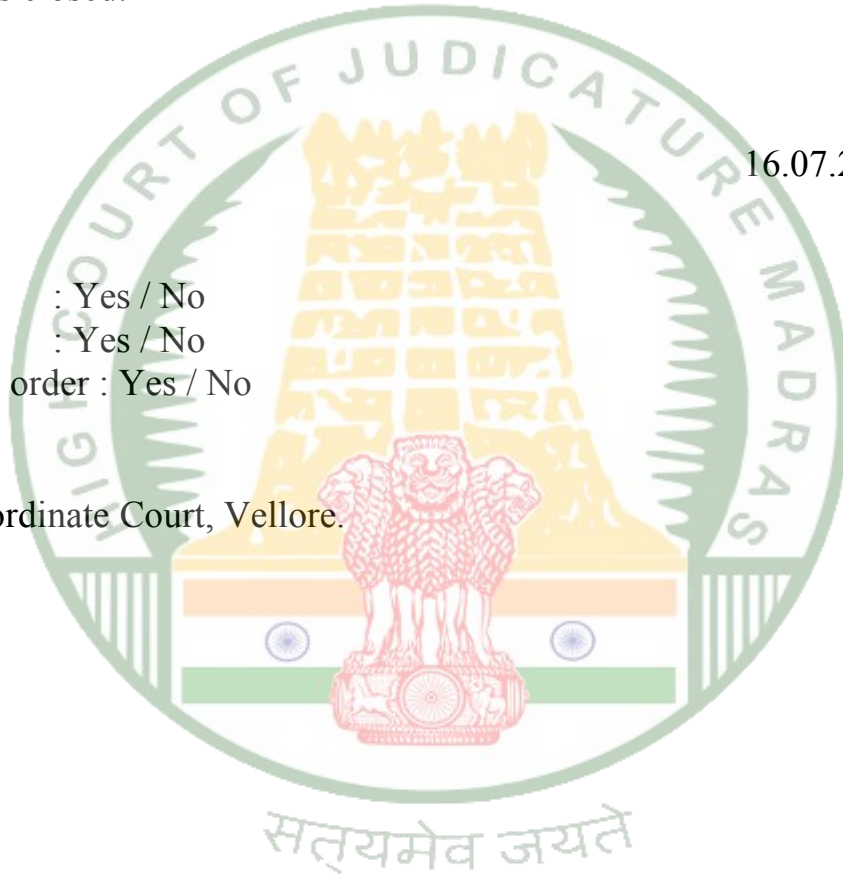
Index : Yes / No

Internet : Yes / No

Speaking order : Yes / No

To:-

The Subordinate Court, Vellore.



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