



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.No.2341 of 2021

and

C.M.P.No.17719 of 2021

S.Praveen Kumar

... Petitioner/Respondent

Vs

S.Anupama

... Respondent/Petitioner

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Principal Family Judge, Coimbatore to dispose of the I.A.No.1 of 2020 in H.M.O.P.No.1541 of 2019 on the file of the Principal Family Judge, Coimbatore as not maintainable.

For Petitioner : Mrs.S.K.Inthu

O R D E R

This Petition is filed seeking direction to the Learned Principal Family Judge, Coimbatore to dispose of the I.A.No.1 of 2020 in H.M.O.P.No.1541 of 2019 as not maintainable and pass such further or other order.

2.The Learned Counsel for the Petitioner submitted that the Petitioner filed H.M.O.P.No.1541 of 2019 under Section 9 of the Hindu Marriage Act, 1955 for the relief of restitution of conjugal rights. When the main Petition is pending, the Respondent filed I.A.No.1 of 2020 under Order XXVI Rule 9 of the Civil Procedure Code read with Section 10 of the Family Courts Act for appointment of an Advocate Commissioner to visit the Petitioner's home at Shoba Elan, (Ganapathy) Coimbatore, the Petitioner's family home at Tirupur and the Petitioner's farm house near Udumalpet to take an inventory of all the Respondent's gold and diamond jewellery, silverware, silk sarees kept in the cupboards of the Petitioner's family and keep the gold jewellery for safe custody in a safety locker of a nationalized bank at Coimbatore to be suggested by the Petitioner.

3.It is further submitted that after filing this Petition, finding that there is no settlement between the parties, the Petitioner has not pressed the petition filed and pending in H.M.O.P.No.1541 of 2019. It is the submission of



the Learned Counsel for the Petitioner that after the disposal of H.M.O.P.No.1541 of 2019, adjudication cannot be made in I.A.No.1 of 2020. However, this Application is still pending. Therefore, this Petition is filed seeking direction to the Learned Principal Family Judge, Coimbatore to dispose of the I.A.No.1 of 2020 in H.M.O.P.No.1541 of 2019 as not maintainable and pass such further or other order.

4.Considered the submissions of the Learned Counsel for the Petitioner and perused the records.

5.From the narration of facts and submissions made by the Learned Counsel for the Petitioner, it is seen that the Petitioner has not pressed the H.M.O.P.No.1541 of 2019 after filing I.A.No.1 of 2020 by the Respondent. It appears that counter was not filed in the main Petition. However, it is for the Learned Principal Family Judge, Coimbatore to consider and dispose of the I.A.No.1 of 2020 on merits and in accordance with law after taking into consideration of the submissions made by the parties in the interlocutory application. The I.A.No.1 of 2020 has to be disposed within a period of one month from the date of receipt of a copy of this order.

6.Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

ay

To

The Principal Family Judge,
Coimbatore.

Copy To

The Section Officer, VR Section,
High Court, Madras-104.

+2ccs to Mrs.S.K.Inthu, Advocate SR.No.55743

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