

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No. 2027 of 2017

and

CMP.No.9877 of 2017

Dr.P.Vijayakumar ... Petitioner

Vs.

Dr.Prema ... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 10.01.2017 passed in I.A.No.25 of 2017 in HMOP No.550 of 2011 on the file of the Principal Family Court, Coimbatore.

For Petitioner : Mr.N.Ramesh

For Respondent : Mr.T.L.Thirumalaisamy

ORDER

This Civil Revision Petition is directed as against the order passed in I.A.No.25 of 2017 in HMOP No.550 of 2011 dated 10.01.2017 on the file of the Principal Family Court, Coimbatore, thereby, allowing the petition

filed by the respondent herein to produce the complaint lodged by her before the Commissioner of Coimbatore City Corporation, the LIC policy stands in the name of the petitioner and the accounts details stands in the name of the petitioner with the Indian Bank.

2. The said petition it was filed by the respondent on 10.01.2017. While filing the said petition, notice was served to the petitioner herein and thereafter, it was allowed on the same day, without giving any opportunity to the petitioner to file his counter. It is also seen that already the respondent filed I.A.No.982 of 2015 to produce the LIC policies stands in the name of the petitioner herein and the same was allowed. Thereafter, the concerned Official from the LIC was examined by the respondent herein and relevant documents produced. Again for the very same set of facts other documents are now sought to be produced through the concerned department before the Court below. However, the petitioner was not given any opportunity by the Court below to resist the application filed by the respondent. On this ground alone the order passed by the Court below is perverse and illegal and liable to be set aside.

3. Accordingly, this Civil Revision Petition is allowed and the order passed in I.A.No.25 of 2017 in HMOP No.550 of 2011 dated 10.01.2017 is set aside. The Court below is directed to give opportunity for the petitioner to file his counter and dispose the same on merits in accordance with law. Consequently, the connected Miscellaneous Petition is closed. No costs.

09.02.2021

Speaking/Non-speaking order

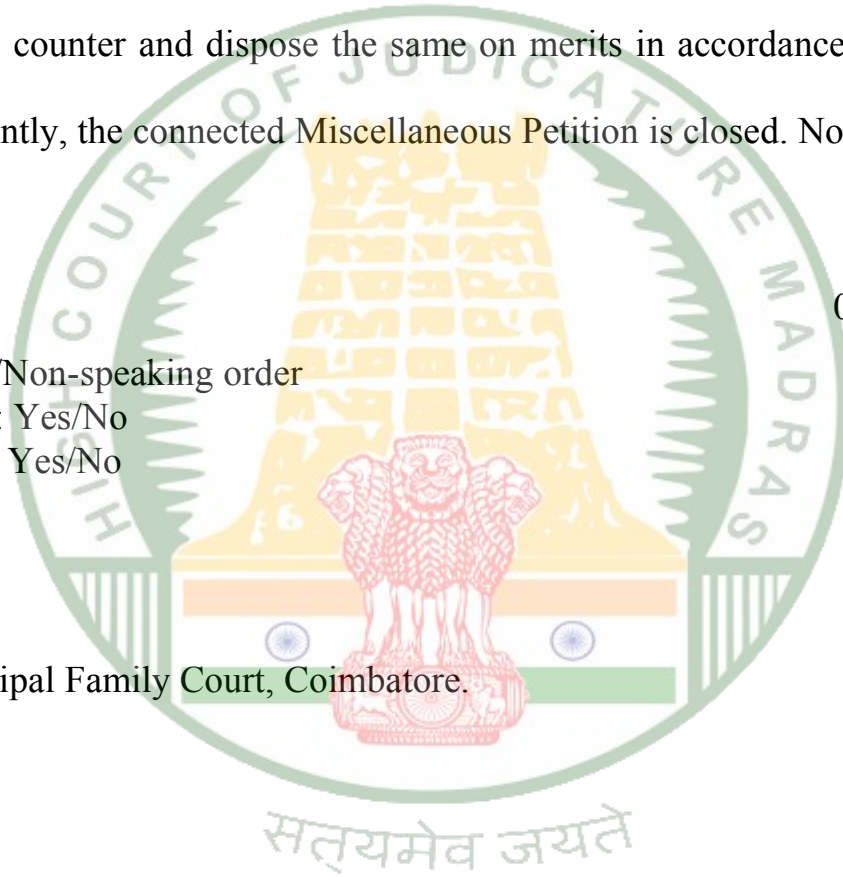
Index : Yes/No

Internet : Yes/No

kv

To

The Principal Family Court, Coimbatore.



WEB COPY

G.K.ILANTHIRAIYAN,J.

Kv



CRP.PD.No. 2027 of 2017

WEB COPY

09.02.2021



WEB COPY