



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.202

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Review Application (MD)No.83 of 2021

in Tr.CMP(MD)No.266 of 2021

(Through Video Conferencing)

Dr.P.Hameed Farooq

... Petitioner/Respondent

Vs

Dr.S.Nadiya Manzoor

... Respondent/Petitioner

Prayer:- This Review Application Petition has been filed, to review the order dated, 16.07.2021, passed in Tr.CMP(MD)No.266 of 2021, separating GWOP.No.217 of 2019, to be tried independently.

Prayer in TR CMP(MD) . 266/ 2021 :

This petition is filed u/s.24 of code of Civil Procedure to Withdraw the case in O.S.No.2 of 2021 from the file of the Family Court, Dindigul and transfer the same to the file of Family Court, Kanyakumar at Nagercoil to be tried along with O.S.No.57 of 2020 (renumbered as O.S.No.178 of 2021 on the file of the Honble Family Court, Kanyakumari at Nagercoil) and Guardian Ward Original Petition in G.W.O.P.No. 217 of 2019 pending before the Family Court, Kanyakumari at Nagercoil and pass any such further order as this Honble Court may deem fit and proper to the facts and Circumstances of the case and thus render justice.

For Petitioner : Mr.S.C.Herold Singh

ORDER

- 1.This Review Application Petition has been filed, to review the order dated, 16.07.2021, passed in Tr.CMP(MD)No.266 of 2021, separating GWOP.No. 217 of 2019 to be tried independently.
- 2.This Court heard the learned counsel for the Petitioner.
- 3.The above Tr.CMP was filed to withdraw OS.No.2 of 2021 from the file of the Family Court, Dindigul and to transfer the same to the Family Court, Kanyakumari at Nagercoil to be tried along with OS.No.57 of 2020 (renumbered as OS.No.178 of 2021) and GWOP.No.217 of 2019, pending before the Family Court, Kanyakumari at Nagercoil and by the order of this Court dated, 16.07.2021, the above Tr.CMP was allowed as prayed for in order to avoid different verdicts and it was also directed to dispose of all the cases as expeditiously as possible.



4.Now, it is brought to the notice of this Court that by order dated, 26.11.2020, in CRP(MD)No.904 of 2020, this Court had directed the Family Court, Nagercoil, to dispose of GWOP.No.217 of 2019, within a period of six months. In this Review Application, the Petitioner has sought to separate GWOP.No.217 of 2019 from the other two cases and to try the same independently for the reasons that the other two cases are at the preliminary stage and the GWOP is at the stage of cross examination of the witnesses.

5.At the time when the order was passed in the Tr.CMP, the above order made in the Civil Revision Petition was not brought to the notice of this Court and also the prayer for separation was not sought for. This Court is not satisfied with the reasons assigned in this Review Application for trying the GWOP independently and hence, the prayer as sought for in this Review Application cannot be granted. However, considering the fact that all the cases are between the same parties and relating to matrimonial disputes and also the nature of GWOP, the Family Court, Kanyakumari at Nagercoil, where the GWOP and the other two suits are pending, is directed to dispose of all the cases simultaneously, within a period of six months, from the date of receipt of a copy of this order.

6.With the above directions, this Review Application is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Srcm

To

The Judge,
Family Court,
Kanyakumari at Nagercoil.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-30610[F] dated 29/09/2021)

Review Application (MD)No.83 of 2021
in Tr.CMP(MD)No.266 of 2021
28.09.2021

PS (CO)/RS (08.10.2021) 2P 3C