



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.870 of 2021

and

C.M.P.(MD)No.4739 of 2021

J.Karthick

... Petitioner/Petitioner/Respondent

Vs.

P.Kamakhya

... Respondent/Respondent/Petitioner

PRAYER: Petition filed under Section 227 of Constitution of India, praying to set aside the fair and decreetal order dated 30.04.2021 made in I.A.No.720 of 2019 in O.P.No.134 of 2019 on the file of the Family Court, Madurai and allow the above Civil Revision Petition.

For Petitioner : Mr.C.Mayilvahana Rajendran

ORDER

Heard the learned counsel appearing for the petitioner.

2.The petitioner got married to the respondent on 23.08.2018 at Madurai. The respondent herein had filed O.P.No.134 of 2019 for seeking declaration that the marriage between the parties is null and void. The respondent has made certain serious allegations against the petitioner. The petitioner denied the same. Thereafter, the petitioner herein filed I.A.No.165 of 2021 for rejection of O.P.No.134 of 2019. The said I.A was dismissed. Challenging the same, the petitioner filed C.R.P.(MD)No.619 of 2021 before this Court. The respondent herein had filed caveat and after hearing the counsel on either side, order has been reserved. Order is yet to be pronounced in the said civil revision petition. The Court below had allowed I.A.No.720 of 2019 filed by the respondent for directing the petitioner to appear before the Medical Board to determine the petitioner's potency.

3.The petitioner's counsel would point out that when this Court is seized of the matter in C.R.P.(MD)No.619 of 2021, the present I.A.No.720 of 2019 ought not to have been allowed.

4.The case of the respondent herein is that the petitioner is impotent. The petitioner on the other hand would claim that he is fully potent and that the respondent has made false allegations. The respondent, in order to establish her case, filed I.A.No.720 of 2019. The same has been allowed by the Court below by giving



reasons.

5.The impugned order passed by the Court below does not warrant any interference. Therefore, the Civil Revision Petition is dismissed. However, the order impugned in the writ petition will not be given effect to till order is passed in C.R.P.(MD)No.619 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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To

The Judge, The Family Court,
Madurai.

C.R.P. (MD) No.870 of 2021
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C.M.P. (MD) No.4739 of 2021

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