



WEB COPY



CRP.(PD).Nos.1191 & 1192/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP(PD)Nos.1191 & 1192 of 2022
& CMP.No.6350 of 2022

Mrs.B.Keerthi

... Petitioner

Vs

G.Rajasekar

...Respondent

COMMON PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order dated 5.3.2022 in unnumbered IA.No. of 2021 and I.A.No. of 2021 in OP.No.2257 of 2017 passed by the Hon'ble III Additional Family Court, Chennai.

For Petitioner : Mr.V.Manisekaran
For Respondent : Mr.P.V.Sanjeev

ORDER

The revision petitioner herein is the wife of the respondent and is facing an action for dissolution of marriage in OP.No.2257 of 2017 on the file of the III



Additional Family Court, Chennai. The trial is now under way and it appears that during the course of chief examination of the husband as P.W.1, the husband is stated to have deposed that sometime during the trial, he was threatened by the revision petitioner and her father. Since this allegation was subsequent to the cause of action and is not supported by pleadings, she wants the same to be eschewed and accordingly, moved an unnumbered Application in I.A.Sr.No.4438 of 2021. In his chief examination, he has also introduced a xerox copy of a certain complaint that he has lodged with the police and it came to be marked as Ext.P.8. To delete it, she has taken out another Application in I.A.Sr.No.7739 of 2021. Both these Applications were not entertained by the trial Court and came to be dismissed by a speaking order.

2.The learned counsel for the revision petitioner submitted that in fitness of things, the trial Court ought to have taken the Applications on record and should have heard the petitioner.

3.However, this Court comes to understand that the learned Judge has passed



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a detailed speaking order. After all, a party is entitled to be heard and this hearing apparently has been done by the trial Judge. It might have been appropriate if the trial Court had numbered those Applications but, mere non-numbering, by itself, does not seem to have affected the right of the revision petitioner.

4. On merit, this Court does not find any need to interfere with the order of the trial Court. After all, the evidentiary value of the testimony as well as Ext.P.8 may have to be evaluated only during the final disposal of OP.No.2257 of 2017 and the revision petitioner may have to wait for another day for the learned trial Judge to consider the same.

5. In fine, this Court does not find any merit in these Civil Revision Petitions and accordingly, they are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

20.04.2022

Index : Yes/No
Speaking Order/Non Speaking Order
Tsg



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N.SESHASAYEE, J.,

Tsg

To

The III Additional Family Court,
Chennai.

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