



C.R.P.(PD) No.1568 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.1568 of 2022

M.Gopinath

... Petitioner / Petitioner / Respondent

Vs.

V.Rekha

... Respondent/Respondent/Petitioner

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 18.03.2021, returning the application in un-numbered CMP... of 2021 in D.V.No.11 of 2018 on the file of the learned Judicial Magistrate No.I, Kanchipuram, and consequently direct the Court below to number the same.

For Petitioner : Mr.D.Ravichander

ORDER

The revision petitioner suffered an exparte order of maintenance, and the counsel for the revision petitioner submits that he has paid the maintenance



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amount. He added that the said order was obtained by certain suppression of facts. Therefore, he has taken out an application for revocation of the said order granting interim maintenance. This was returned by the learned trial Judge holding that this aspect can be taken along with CMP.No.60/2018, which is pending before the learned Judge.

2. This Court is informed that CMP.No.60/2018 was laid by the revision petitioner seeking certain modification of the order of maintenance, on the grounds of his financial constraints.

3. This application however stands at a slightly different footing where the revision petitioner seeks entire revocation of the earlier order on the grounds of perceived allegation of fraud or suppression of material facts. The learned Judicial Magistrate No.I, Kancheepuram, is now directed to take the un-numbered CMP to his record, if the papers are otherwise in order.

4. With the above direction, this civil revision petition is disposed of. No costs.



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5. The Registry is required to return the originals to the revision petitioner.

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

ds

To:

The Judicial Magistrate No.I
Kanchipuram.



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N.SESHASAYEE.J.,

ds

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