



C.R.P.(PD).No.3089 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

C.R.P.(PD).No.3089 of 2022

and

C.M.P.No.16600 of 2022

Purushothaman

... Petitioner

Vs

Kanimozhi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Indian Constitution, praying to set aside the order and decreetal order passed in I.A.No.359 of 2022 in H.M.O.P.No.129 of 2020 dated 03.08.2022 on the filed of the Family Court, Villupuram.

For Petitioners : Mr.A.Tamilvanan

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below allowing the petition filed by the respondent under Order XVIII Rule 17 r/w Section 151 of C.P.C. to recall PW1.

2.According to the Revision Petitioner, the respondent/ wife filed a petition



C.R.P.(PD).No.3089 of 2022

for dissolution of marriage in H.M.O.P.No.129 of 2020. The trial in the matter has already commenced and the respondent wife was examined as PW1. Immediately, the respondent has come up with this petition to recall her to mark certain documents relating to seethanam properties, which were not produced and marked when she was examined as PW1.

3.The said petition for recall of witnesses was opposed by the Revision Petitioner mainly on the ground that the application was filed by the respondent just to drag on the proceedings. The Court below after perusal of the records observed that the petition for recall of PW1 was filed by the respondent immediately after the completion of the PW1 evidence and when the matter was adjourned for examination of other witnesses. Therefore, the Court below exercised its discretion in favour of the respondent to give an opportunity to her to lead further evidence by recalling PW1. The Revision Petitioner is unable to show any prejudice, if the impugned order is allowed to stand.

4.Hence, I do not find any ground to interfere with the discretion exercised by the Court below and consequently, this Civil Revision Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.09.2022



C.R.P.(PD).No.3089 of 2022

*Index: Yes/no
Speaking/non-speaking
gba*

S. SOUNTHAR,J.

gba

To
Family Court,
Villupuram.

C.R.P.(PD).No.3089 of 2022
and C.M.P.No.16600 of 2022



WEB COPY



C.R.P.(PD).No.3089 of 2022

28.09.2022