



CRP.No.3335 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3335 of 2022

and

CMP.No.17701 of 2022

S.Lakshmipriya

... Petitioner

Vs.

S.Suresh

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 16.08.2022 made in I.A.No.02 of 2022 in HMOP.No.40 of 2014 on the file of the learned Sub-Court, Tiruchengode.

For Petitioner : M/s.Dass and Viswa Associates
for Mr.S.Viswanathan



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For Respondent : Mr.A.Thiyagarajan

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below allowing the petition filed by the respondent to issue witness summons to two witnesses namely, 1) Lakshmipriya and 2) Dr.P.N.Ramani.

2. According to the respondent, he filed a petition in HMOP.No.40 of 2014 seeking divorce on the ground of cruelty against the revision petitioner. In the main OP, the respondent has averred that the revision petitioner/wife was mentally depressed. In order to prove his case, the respondent wanted to examine the above said two witnesses and filed a petition for issuing summon to the witnesses. The said application was allowed and aggrieved by the same, the revision petitioner has come up by way of this petition.



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3. The learned counsel for the petitioner submitted that the divorce was sought for on the ground of cruelty and hence, it is not necessary for the respondent to prove about alleged mental depression of the revision petitioner. It was also submitted that the first witness namely, Lakshmipriya is an independent witness, the respondent can produce her as his own witness and no summons are needed.

4. Both the contentions made by the learned counsel for the petitioner cannot be accepted by this Court. In the original petition, the respondent has specifically averred that the petitioner/wife was suffering from some kind of mental depression and to prove the said averments, the respondent wanted to examine the Doctor as witness and he is entitled to examine the Doctor to prove the alleged averments.

5. The second contention of the revision petitioner also



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cannot be accepted. In cases where, the parties are not in position to produce the witnesses before the Court necessarily, they have to request for issuing summons to the witnesses. Therefore, the order passed by the Court below allowing the petition filed by the respondent, to issue summons to two witnesses sought to be examined by the respondent, does not suffer from any illegality or irregularity.

6. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

7. The learned counsel for the respondent made a request to fix a time limit for disposal of the divorce petition. The HMOP is of the year 2014, therefore, this Court is inclined to issue a direction to the Court below to dispose of the main OP within a period of nine months from the date of receipt of a copy of this order.



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To

The Sub-Court, Tiruchengode.



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