



**C.R.P.No.217 of 2022**

WEB CO **R.N.MANJULA.J.**

The matter has been listed today under the caption “for being mentioned”.

2. The learned counsel for the petitioner submitted that the original Interlocutory Application is kept along with this Civil Revision Petition and he requires the Interlocutory Application for re-presenting the same before the Court below.

3. In view of the above submission, Registry is direct to return the original application in SR No.11544 of 2021 in HMOP No.935 of 2018 along with the affidavit for re-presenting the same before the Court below within a period of two weeks from the date of receipt of a copy of this order.

**14.02.2023**

gsk



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 15.07.2022**

**CORAM:**

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**C.R.P.(PD).No.217 of 2022  
and C.M.P.Nos.1111 and 1112 of 2022**

G.Krishnamurthy

. . . Petitioner

Versus

G.Divyabharathi

. . . Respondent

**PRAYER** : Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned Principal Family Judge, Coimbatore to number the Order VIII Rule 9 interlocutory application in I.A.Sr.No.11544 of 2021 in H.M.O.P.No.935 of 2018 and dispose the same in accordance with law.

For Petitioner : Ms.R.Shase  
For Mr.M.Guruprasad  
For Respondent : Mr. M.R.Thangavel

**ORDER**

This Civil Revision Petition has been preferred challenging the written endorsement dated 22.11.2021 made by the learned Principal Family Judge, Coimbatore.

2. Heard the learned counsel for the petitioner and the learned



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counsel for the respondent and also perused the materials available on record.

3. The revision petitioner is the husband, against whom the respondent/wife filed H.M.O.P.No.935 of 2018 seeking for dissolution of marriage. The revision petitioner/husband also filed another original petition in H.M.O.P.No.757 of 2018 for restitution of conjugal rights. Both the matters are being tried together. During the pendency of the same, the husband has filed an interlocutory application to receive additional counter. The learned Principal Judge, Family Court, Coimbatore has returned the same by raising the point of maintainability. Challenging the same, the petitioner has filed the present Revision Petition.

4. The learned counsel for the revision petitioner/husband submitted that when larger issues are pending for trial, mere technicalities need not be allowed to stand in the way and hence, the revision petitioner should be given with a liberty to file additional counter.

5. The learned counsel for the respondent submitted that the trial has



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already been commenced, in which the revision petitioner has been examined as P.W.1; since the application was filed only at a belated stage, suitable directions may be given.

6. The intention of the revision petitioner/husband in filing the additional counter is only for the sake of completing the pleadings. Since P.W.1 is still in box an opportunity may be given to receive the additional counter by taking the petition on file. Whatever may be orders of the Court on merits of the application, that can be passed after taking the application on file and also taking into consideration of the long pendency of the matters, I feel suitable directions should be given to the learned trial Judge to take the application on file, if it is otherwise in order and also to dispose the main original petitions as expeditiously as possible.

7. In the result, this Civil Revision Petition is allowed by directing the learned Principal Family Judge, Coimbatore to take the application in I.A.Sr.No.11544 of 2021 in H.M.O.P.No.935 of 2018 on file, if it is otherwise in order and dispose the same within a period of two weeks from the date of receipt of a copy of this order and thereafter, dispose the main original petitions as expeditiously as possible. In the event of passing an



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order in the interlocutory application to the effect of receiving the additional counter, the respondent should also be given an opportunity for further cross examination of P.W.1 on the averments made in the additional counter. No costs. Consequently, connected miscellaneous petitions are closed.

**15.07.2022**

Index: Yes No  
Speaking Order: Yes/No  
ms

To

The Principal Family Judge,  
Principal Family Court,  
Coimbatore.

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**R.N.MANJULA, J.**

ms

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**15.07.2022**