



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P(MD)No.2073 of 2021

and

C.M.P(MD)No.11033 of 2021

WEB COPY

A.Abinesh

... Petitioner/Respondent

Vs.

S.Angelin @ Kameswari

... Respondent/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.09.2021 passed by the Family Court, Madurai in I.A.No.209 of 2021 in O.P.No.105 of 2019 as illegal.

For Petitioner : Mr.M.Seenisulthan

For Respondent : Mr.S.Jagadeesh

ORDER

The Civil Revision Petition has been filed to set aside the fair and decreetal order dated 08.09.2021 passed by the Family Court, Madurai in I.A.No.209 of 2021 in O.P.No.105 of 2019.

2.The said O.P.No.105 of 2019 was filed by the revision petitioner under Section 13(1-a) of Hindu Marriage Act, for dissolution of marriage, which was dismissed for non payment of maintenance amount. Against which, the revision petitioner has filed a Civil Miscellaneous Appeal in CMA(MD)No.1153 of 2021, which is pending.

3.I.A.No.209 of 2021 was filed by the revision petitioner under Section 5 of Hindu Marriage Act and Section 45 of Indian Evidence Act, to direct the respondent to undergo the medical examination to ascertain the truth of respondent sufferings under the disease of Ataxia, which was dismissed by the learned Judge, Family Court, Madurai. Aggrieved by the said order the revision petitioner has filed this Civil Revision Petition.

4.The learned counsel for the respondent submitted that the main petition filed by the revision petitioner in O.P.No.105 of 2019 was itself dismissed. Therefore, nothing survives for further adjudication in this Civil Revision Petition.

5.In view of the above, this Civil Revision Petition is closed with liberty to the revision petitioner to file a fresh Civil



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Revision Petition, if the main O.P. is restored on file. No costs.
Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Family Court,
Madurai

C.R.P (MD) No.2073 of 2021
and

C.M.P (MD) No.11033 of 2021

Dated:

30.03.2022

KG (CO)

KB(13.06.2022) 2P 2C