



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 2562 of 2018 and
CMP(MD).Nos.12338 and 11265 of 2018

Bhuvaneswari .. Petitioner/Respondent

Vs.

Vetriselvan .. Respondent/Petitioner

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to struck off the HMOP No.100 of 2000 from the file of the Sub Court, Thoothukudi.

For Petitioner ... Mr.J. Ashok
For Respondent ... Mr. M. Suri

ORDER

The revision petitioner / wife filed this revision to strike the petition in HMOP.No.100 of 2000 which was pending before the file of the Sub Court, Thoothukudi.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is submitted that the said HMOP was transferred to the file of the Family Court, Tuticorin and renumbered as HMOP.No.516 of 2022.

4. The petitioner has already filed an Interim Application in I.A.No. 423 of 2016 to stop the enquiry in HMOP till the payment of interim maintenance. In I.A.No.251 of 2003 the trial Court has ordered interim maintenance for two daughters on 13.08.2016. The respondent regularly paid the maintenance amount still they attained majority. The said Interlocutory Application in I.A.No.423 of 2016 was dismissed since the daughters are become major and hence, the said petition is not maintainable. The petitioner filed CMA against the dismissal of I.A.No.423 in 2016 in HMCMA.No.13 of 2018 which was pending. Now, the petitioner filed a petition to strike of the HMOP.No.100 of 2000, which was re numbered as HMOP.No.516 of 2022, on the file of the Family Court, Tuticorin.



5. The HMOP was filed in the year 2000. After 18 years of filing the petition, the petitioner cannot file a petition to strike of the petition and the reasons stated in the grounds of the petition is also not acceptable. The ground in the revision is that the HMOP petition to be struck of for non payment of maintenance amount. Already, for the same reason, Interlocutory Application was dismissed and CMA filed and the same is pending. Since the petitioner filed the HMOP for the same ground, the Civil Revision Petition is not maintainable .

6. Accordingly, the Civil Revision Petition is dismissed. Since the matter is pending from 2000, the Family Court, Tuticorin is directed to dispose of the said HMOP within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Judge, Family Court, Thoothukudi.

Copy to

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.M.SURI, Advocate (SR-11601[F] dated 11/03/2022)

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