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CRP No.389 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No.389 of 2023

B.Uma Maheswari

....Petitioner

-Vs-

1.G.Elangovan
2.Govindasamy
3.Jaya
4.Ilavarasi

.... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, to call for the records pertaining to the issue of the order dated 28.09.2022 by the Additional Mahila Court, Chennai and set aside the same and thus allow the Revision Petition.

For Petitioner : Mr.S.Shujath Hussain
For Respondents : Mr.R.Prabakar

ORDER

Challenging the order of the Additional Mahila Court, Chennai, dated 28.09.2022, in D.V.C NO. 176 of 2017, the petitioner preferred this Revision Petition.



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2. Originally DVC No. 176 of 2017 was filed by the petitioner herein against the respondent before the Additional Mahila Court, Chennai. In the meanwhile, the Trial Court passed order dated 15.02.2018 in CMP No.2774 of 2017 in which the Court directed the respondent to pay a sum of Rs.2,000/- each to the petitioner herein and here child. Thereafter, the first respondent filed a petition in CrI.MP No. 740 of 2022 in D.V.C No. 176 of 2017 to cross examine P.W.1 and the same was allowed. Subsequently, the matter was posted on 28.09.2022 for cross examination of P.W.1, when the Trial Court dismissed the petition by stating that there is no representation on the side of the petitioner herein. Hence the present petition. The learned counsel for the respondent submitted that without cross examining the P.W.1 he was not able to proceed the Trial. Hence he want to cross examine P.W.1.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Considering the facts and circumstances of the case, the Trial Court directed the first respondent to pay maintenance but without paying maintenance the petitioner filed a petition to cross examination of P.W.1 and the same was allowed by the Trial Court. Further while passing order in CrI.M.P No. 740 of



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2022 the Trial Court failed to consider the arrears of maintenance payable by the husband which is nearly about 2 lakhs. This Court is of the view that the Trial Court should have given one more opportunity to the petitioner. Hence, the order passed by the Additional Mahila Court, Chennai dated 28.09.2022 is hereby set aside.

5. Accordingly this Civil Revision Petition is allowed. No costs.

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T.V.THAMILSELVI, J.
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