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C.R.P. Nos.4090 & 4091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos.4090 & 4091 of 2023

and

C.M.P. Nos. 25004 & 25008 of 2023

T.Mohanraj

... Petitioner in
both C.R.P.s

Vs

K.Lakshmi

MCCSS Madras Christian

Counsel for Social Service,

No.21, 6th Main Road,

Jawahar Nagar, Peravallur,

Chennai-600 082.

... Respondent in
both C.R.P.s

PRAYER in C.R.P.No. 4090 of 2023 : Civil Revision Petition is filed

under Art.227 of Constitution of India, praying to set aside the order and

decreetal order on the file of learned IV Addl. Principal Judge, Family Court,

Chennai-600 104 made in I.A.No.1 of 2022 in O.P.No.1980 of 2020 dated

05.01.2023 and allow the C.R.P. as per law.

PRAYER in C.R.P.No. 4091 of 2023 : Civil Revision Petition is filed

under Art.227 of Constitution of India, praying to set aside the order and



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decreetal order on the file of learned IV Addl. Principal Judge, Family Court, Chennai-600 104 made in I.A.No.2 of 2022 in O.P.No.1980 of 2020 dated 05.01.2023 and allow the C.R.P. as per law.

For Petitioner in
both C.R.P.s : Mr.S.Dhanusu

COMMON ORDER

Challenging the impugned orders passed in I.A.Nos.1 and 2 of 2022 in O.S.No. 1980 of 2020 passed by the learned IV Addl. Principal Judge, Family Court, Chennai, the revision petitioner preferred these Civil Revision Petitions.

2. Since the relief claimed challenging the impugned orders passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner filed interlocutory applications praying to recall and to reopen the case. On considering both side submissions, the trial judge allowed those applications. Challenging the findings of the trial judge, the Revision Petitioner husband preferred this Civil Revision Petition.



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4. The learned counsel for Revision Petitioner would submit that for more than 16 hearings, he was in that court, but the respondent wife has wantonly and purposely not appeared before the court. Thereafter, his evidence was closed. After closure of evidence, the respondent wife came forward with those applications and the trial judge erroneously allowed the same without considering the harassment made by her. Hence, he prayed to set aside the findings of trial judge.

5. Records perused. On perusal of records, it would reveals that inspite of appearance of Revision Petitioner husband/P.W.1, the respondent wife not appeared and she has not cross-examined on various dates. But, without considering the same, the trial judge allowed those applications. After closure of evidence, now she came forward with such applications, as such is clearly abuse of process of law, however, to take further multiplicity of proceedings, the trial judge allowed the said applications, as such is unjustifiable one, since because the Revision Petitioner filed a petition for divorce and the respondent wife is entitled to contest the case. But, inspite of several opportunities given to her, she is not inclined to cross-examine P.W.1. So, the conduct of respondent wife would clearly shows that only to



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prolong the matter and to harass him, she filed those applications, as such the said proceedings cannot be encouraged. Therefore, this Court is inclined to dismiss those applications filed in I.A.Nos.1 and 2 of 2022 in O.P.No. 1980 of 2020 on condition that the respondent wife is directed to cross-examine P.W.1 within a period of two weeks from the date of receipt of copy of this order without fail, failing which, trial judge is directed to close the evidence. Accordingly, these Civil Revision Petitions are disposed of. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

20.11.2023

Index : Yes/No
Speaking Order : Yes/No
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To

IV Addl. Principal Judge,
Family Court,
Chennai.



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T.V.THAMILSELVI, J.

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