



C.R.P.No.4506 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4506 of 2023

K.Murugesan

... Petitioner

-Vs-

Radhika alias Thulasimani

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned Family Court, Coimbatore to number the petition in H.M.O.P.SR.No.10540 of 2022 pending on the file of the Family Court, Coimbatore.

For Petitioner : Mr.P.Dinesh Kumar

ORDER

Challenging the docket order passed in H.M.O.P.SR.No.10540 of 2022 passed by the Family Judge, Coimbatore, the Revision Petitioner preferred this Civil Revision Petition.



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2. Since the relief claimed challenging the order passed by the trial judge, the notice to the respondent is dispensed with.

3. The learned counsel for Revision Petitioner would submit that though the earlier petition filed seeking for divorce was dismissed, on considering the subsequent events, the respondent wife continuously harassing him, he again filed the present petition during the month of August 2022. However, the H.M.O.P. filed in the year of 2009 was dismissed on 28.05.2014. Hence, he prayed to direct the trial judge to number the petition and take the same on file.

4. Records perused. On considering subsequent events and the subsequent dispute arose between the parties, a new cause of action arose for filing the present petition, which is totally differs from the allegation levelled in the earlier petition filed in H.M.O.P.No.1172 of 2009. Admittedly, the said petition filed by him was dismissed on merit. But, now based on the subsequent events, he claimed harassment made by the respondent wife, whether it was happened or not, can be decided only at



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the time of trial, since the parties are separated for nearly 15 years.

Therefore, the trial judge is directed to number the petition and take the same on file within a period of two weeks from the date of receipt of copy of this order. Registry is directed to return the original H.M.O.P. petition to the Revision Petitioner. Accordingly, this Civil Revision Petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No

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To

The Family Court Judge, Coimbatore.



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T.V.THAMILSELVI, J.

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