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C.R.P.No.4508 of 2023

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.4508 of 2023
and
C.M.P.No. 27051 of 2023

V.Kumaresan ... Petitioner
-Vs-

R.Kavitha ... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 10.10.2023 made in I.A.No.08 of 2023 in O.P.No.141 of 2022, on the file of the Family Judge, Dharmapuri.

For Petitioner : Mr.J.Jayan

ORDER

Challenging the impugned order passed in I.A.No.8 of 2023 in O.P.No.141 of 2022 passed by the learned Family Judge, Dharmapuri, the Revision Petitioner preferred this Civil Revision Petition.



C.R.P.No.4508 of 2023

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

3. Before the Family Court, Dharmapuri, the Revision Petitioner filed an application praying to reject the petition stating that at the time of filing application, the respondent wife was not having resided at Dharmapuri. Therefore, the petition was taken on file by the trial judge is erroneous one and the same is liable to be rejected.

4. On perusal of records, it shows that now the respondent wife is residing at Papparapatty Village, Pennagaram Taluk, which is also coming under the Dharmapuri District. As she is a Lecturer, she is now employed at Dharmapuri Government Medical College, who is Doctor by profession and as on date, she is living there. However, the technicalities are not required to be considered as it is a settled proposition. Now, at the stage of proceeding with the trial, she is living there with her son as on date and more than two years, they were separated. Moreover, now he is disputing that the documents were not properly filed. The learned counsel for Revision Petitioner would also submit that the quarters allotted to the



C.R.P.No.4508 of 2023

respondent wife only on 14.10.2022 and the case was filed on the same day. So, he is disputing that on the date of filing the case, she has no right to invoke the jurisdiction. But admittedly, she is a Doctor by profession and employed as Lecturer in the Government Medical College at Dharmapuri and she might have knew about the quarters allotted to her through the officials. So, there is no irregularity on the face of record. Therefore, the order passed by the trial judge needs no interference. As the Revision Petitioner is an advocate by profession causing annoyance to the judiciary as well as other department officials and not only harassing the respondent wife, but also the other officials of judiciary and other departments. Therefore, I do not find any irregularity in the order passed by the trial judge. Accordingly, this Civil Revision Petition is dismissed and the Revision Petitioner is directed to cooperate with the proceedings. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

5. Furthermore, on considering the facts and circumstances, in the interest of justice, this Court is inclined to refer the above Revision Petition for mediation to settle the dispute between the parties before the Mediation and Conciliation Centre at Dharmapuri. The Mediation Centre



C.R.P.No.4508 of 2023

is directed to take up the matter for not less than two hearings and both the parties are directed to appear before the Mediation Centre without fail. The Registry is directed to send the papers to the Mediation and Conciliation Centre, Dharmapuri.

14.12.2023

Index : Yes/No

Speaking Order : Yes/No

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To

1. The Family Court, Dharmapuri.
2. The Mediation and Conciliation Centre, Dharmapuri.

T.V.THAMILSELVI, J.



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C.R.P.No.4508 of 2023

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C.R.P.No.4508 of 2023

14.12.2023