



C.R.P.No.4911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

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

C.R.P.No.4911 of 2023 &
C.M.P.No.28940 of 2023

S.Palanisamy

... Petitioner

Vs.

P.Radhai

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the petition and order dated 05.12.2023 made in I.A.No.2 of 2023 in H.M.O.P.No.78 of 2023 on the file of the Subordinate Judge, Dharapuram.

For Petitioner

: Mr.N.Ponraj

ORDER

Challenging the order dated 05.12.2023 passed in I.A.No.2 of 2023 in H.M.O.P.No.78 of 2023, the husband filed the present revision.

2. Both the petitioner/husband and the respondent/wife filed a petition under section 13(B) of Hindu Marriage Act in O.P.No.22 of 2022 on the file of the learned Sub Court, Kangayam and the said application was dismissed for default on 22.02.2023 for want of proper communication. Subsequently,



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the respondent/wife filed H.M.O.P.No.78 of 2023 on the file of the Sub Court, Dharapuram. She also filed I.A.No.2 of 2023 seeking permission to cross examine one N.Rangasamy as PW2. The said application was allowed vide docket order dated 05.12.2023. Aggrieved by the same, the petitioner/husband filed the present revision petition.

3. Heard the submissions of the learned counsel for the petitioner and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court is of the view that the trial court ought not to have allowed the application without giving any opportunity to the revision petitioner to express his objections. Accordingly, this civil revision petition is disposed of with a direction to the trial court to entertain the objection to be filed by the petitioner/husband in I.A.No.2 of 2023 and dispose of the same within a period of two weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

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Index : Yes/No



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Speaking order/Non-speaking order
Neutral Citations : Yes/No

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To

1.The Subordinate Judge, Dharapuram.



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T.V.THAMILSELVI,J.

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