

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.830 of 2023
and
C.M.P(MD)No.3807 of 2023

1.W.Sheeba

2. O.Beula Elizabeth

... Petitioner/Respondents/
Defendants

Vs.

Mariyadhas

... Respondents/Petitioner/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 15.12.2022 in I.A No.3 of 2022 in O.S No.211 of 2021 on the file of the Additional District and Sessions Judge, Kuzhithurai.

For Petitioner : Mr.D.Christenson Jugunu

ORDER

The present Civil Revision Petition has been filed against the fair and decreetal order 15.12.2022 in I.A No.3 of 2022 in O.S No.211 of

2021 on the file of the Additional District and Sessions Judge, Kuzhithurai.

2. The petitioners and the respondent belong to the same family. It is the case of the petitioners that the property is standing in the name of the first petitioner and that the first petitioner and the respondent are husband and wife though their relationship is estranged.

3. The learned counsel for the petitioners submits that the respondent has filed O.S.No.211 of 2021 for declaration and for recovery of possession. It is submitted that in a family dispute, there is a necessity for appointment of Advocate Commissioner and submits that the impugned fair and decreetal order passed in I.A.No.3 of 2022 in O.S.No. 211 of 2021 filed by the respondent is liable to be interfered.

4. I have considered the arguments advanced by the learned counsel for the petitioner.

5. Considering the fact that the dispute between the first petitioner and respondent involves matrimonial relationship, the Court direct the

Additional District and Sessions Judge, Kuzhithurai to explore the possibility of settling the dispute between the parties by referring the case for mediation and thereafter proceed with the trial and bring closure to the dispute within a period of six months after completion of the mediation.

6. In my view, the present Civil Revision Petition filed by the petitioner is liable to be dismissed as no prejudice will be caused to the petitioners on account of the impugned order passed. Therefore, the present Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.The Additional District
and Sessions Judge, Kuzhithurai.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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C.SARAVANAN,J.

SN

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