



C.R.P(MD)No.1351 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1351 of 2023

and

C.M.P(MD)No.6728 of 2023

A.Sugarno Supreme

...Petitioner/Petitioner/
Petitioner

Vs.

R.Rathika

...Respondent/Respondent/
Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned Family Court Judge, Kanyakumari District at Nagercoil to number the application in unnumbered I.A.No. of 2022 in I.D.O.P.No.694 of 2021 pending on the file of the learned Family Court Judge, Kanyakumari District at Nagercoil.

For Petitioner : Mr.M.P.Senthil

ORDER

The present Civil Revision Petition has been filed to direct the learned Family Court Judge, Kanyakumari District at Nagercoil to



C.R.P(MD)No.1351 of 2023

number the application in unnumbered I.A.No. of 2022 in I.D.O.P.No. 694 of 2021 on the file of the learned Family Court Judge, Kanyakumari District at Nagercoil.

2. The petitioner has filed I.D.O.P.No.694 of 2021 before the Family Court, Kanyakumari (Formerly I.D.O.P.No.208 of 2018) to dissolve the marriage solemnised between the petitioner and the respondent.

3. It appears that the petitioner had earlier initiated similar proceeding in I.D.O.P.No.93 of 2009. However, the petitioner did not pursue the same. The parties appear to have been living separately. It appears that the petitioner was also ordered to pay interim maintenance to the respondent in I.D.O.P.No.93 of 2009 filed by the respondent.

4. It is the specific case of the petitioner that the petitioner has been paying the amount and there are no arrears. As far as I.D.O.P.No. 694 of 2021 is concerned, the petitioner was cross examined and thereafter, the respondent has also been examined in chief. However, the learned Family Court Judge, Kanyakumari has not permitted the



C.R.P(MD)No.1351 of 2023

petitioner to cross examine the respondent on the ground that the petitioner has not paid arrears of interim maintenance that was order in I.D.O.P.No.93 of 2009.

5. Under these circumstances, the petitioner has filed miscellaneous petition to cross examine the respondent which has been refused to number by the learned Judge of the Family Court, Kanyakumari on the ground that the petitioner is in arrears of interim maintenance that was ordered in I.D.O.P.No.93 of 2009.

6. The Court cannot decline the petitioner right of cross examination of the respondent. Such a procedure is unwarranted and cannot be countenanced. Without cross examination, the evidence of the respondent cannot be taken on record in I.D.O.P.No.93 of 2009. It is always open for the respondent to initiate the appropriate proceedings to recover the arrears from petitioner in I.D.O.P.No.93 of 2009.

7. In view of the above, the learned Family Court Judge, Kanyakumari District at Nagarcoil shall number the petition filed by the petitioner for cross examination and dispose of the same on merits and in



C.R.P(MD)No.1351 of 2023

accordance with law. The petitioner shall pay arrears not only in I.D.O.P.No.694 of 2021 without fail as far as the arrears in I.D.O.P.No. 93 of 2009 is concerned. In case of any arrears, it is open for the respondent to initiate appropriate proceedings to recover the same in accordance with law as quickly as possible before the final disposal of I.D.O.P.No.694 of 2021. The learned Family Court Judge, Kanyakumari District at Nagarcoil shall dispose of the I.D.O.P.No.694 of 2021 as expeditiously as possible preferably within a period of 6 months from the date of receipt of copy of this order.

8. The present Civil Revision Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

14.06.2023

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

sn



C.R.P(MD)No.1351 of 2023

To

WEB COPY

1. The learned Family Court Judge,
Kanyakumari District at Nagarcoil
2. The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.1351 of 2023

C.SARAVANAN,J.

SN

C.R.P(MD)No.1351 of 2023

14.06.2023