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Rev.Aplw.No.18 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Rev.Aplw.No.18 of 2024
in W.P.No. SR 102051 of 2023

N.Gurumoorthy

.. Applicant-in
Person

Vs

The Registrar General,
Madras High Court,
Chennai-600 104.

.. Respondent

Prayer : Review Application filed under Order XLVII Rule 1 read with
Section 114 of the Civil Procedure Code to review the order dated
15.11.2023 made in W.P.No.SR 102051 of 2023.

For the Applicant

: Mr.N.Gurumoothy
Applicant-in-Person



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ORDER

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(Order of the court was made by the Hon'ble Chief Justice)

The present review application is filed seeking review of the order passed in W.P.No.SR102051 of 2023.

2. The party in person is present in the court. He submits that after the initiation of proceedings for divorce, a habeas corpus petition for child custody would not be maintainable. Applying the provisions of the Goodas Act, 1982 for child custody was illegal. The police and advocate are harassing his family in the village.

3. In fact, the present review application would be an abuse of the process of the law and the court. The earlier writ petition, W.P.No.SR102051 of 2023, was filed. We had recorded the facts of the earlier proceedings in the order dated 15.11.2023. The said order dated 15.11.2023 disposing of W.P.No.SR102051 of 2023 reads thus:

"Heard Mr.N.Gurumoorthy, party-in-person.



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2. *The Registry has placed this matter before us. According to the Registry, the present writ petition is not maintainable.*

3. *The party-in-person appears before us and submits that the Division Bench of this Court under order dated 26.08.2021 allowed H.C.P.No.1312 of 2021. According to the party-in-person, the order dated 26.08.2021 was passed without issuing notice to him. Subsequently, the final order came to be passed in the said H.C.P.No.1312 of 2021 on 05.10.2021. The party-in-person also appeared on the said date. The party-in-person thereafter filed a review petition bearing Crl.M.P.SR.No.8341 of 2022. The said petition was dismissed.*

4. *According to the party-in-person, he has moved the petition seeking a speaking order. Speaking order has not been passed by the Court and his petition seeking a speaking order is not being listed on the ground of maintainability.*

5. *The Division Bench of this Court has already passed orders in H.C.P.No.1312 of 2021 and thereafter, also the review petition filed by the party-in-person bearing Crl.M.P.SR.No.8341 of 2022 has been dismissed. There*



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is no propriety now in again asking the Coordinate Bench to pass a speaking order. The order has already been passed. If the party-in-person is aggrieved by the said order, the only remedy available to the party-in-person is to challenge the said order, but there is no propriety again in filing an application seeking further speaking order.

6. It is for the party-in-person to take steps as may be permissible under law to assail the orders passed by the Coordinate Bench of this Court in H.C.P.No.1312 and Crl.M.P.SR.No.8341 of 2022.

7. With these observations, the petition stands disposed of. There will be no order as to costs."

4. Now an application has been filed to review the aforesaid order. The proceedings cannot be entertained in perpetuity. While passing the order dated 15.11.2023 in W.P.No.SR102051 of 2023, we had observed that it is for the party in person to take steps, as may be permissible under law, to assail the orders passed by the Coordinate Bench of this court in H.C.P.No.1312 of 2021 and Crl.M.P.No.SR8341 of 2022.



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5. It is for the applicant to take steps with regard to the order passed by the Coordinate Bench in H.C.P.No.1312 of 2021 and CrI.M.P.No.SR9336 of 2022.

The review application is disposed of accordingly. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

19.02.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

The Registrar General,
Madras High Court,
Chennai-600 104.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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