



C.R.P.(MD)Nos.1965 & 1966 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)Nos.1965 & 1966 of 2024

and

C.M.P.(MD)No.11173 of 2024

Kavitha

... Revision Petitioner / Petitioner / Respondent
in both C.R.Ps.

Vs.

Karuppannan

... Respondent / Respondent / Petitioner
in both C.R.Ps.

Common Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the learned Suordinate Judge, Musiri in I.A.Nos.2 & 3 of 2024 in H.M.O.P.No.186 of 2023 dated 15.03.2024 by allowing this civil revision petition as prayed for.

For Petitioner : Mr.P.Vijayaakilan

For Respondent : Mr.G.S.Ashok Adhithyan
(in both C.R.Ps)

COMMON ORDER

Heard both sides.



C.R.P.(MD)Nos.1965 & 1966 of 2024

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2. The petitioner is figuring as respondent in H.M.O.P.No.186 of 2023 on the file of the Sub Court, Musiri. She filed I.A.Nos.2 & 3 of 2024 for reopening the proceedings and to recall P.W.1 for further cross examination. IAs were dismissed vide order dated 15.03.2024. Questioning the same, these civil revision petitions came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the grounds set out in the memorandum of grounds of revision and called upon this Court to set aside the impugned revision and grant relief as prayed for.

4. I am not swayed by the said submission. The impugned order speaks for itself. The learned counsel appearing for the respondent points out that the respondent herein filed H.M.O.P.No.133 of 2014 on the file of the Sub Court, Trichy for divorce. It was subsequently transferred to the Sub Court, Musiri and renumbered as H.M.O.P.No.186 of 2023. In other words, the present proceedings are a decade old. The husband had examined himself as P.W.1 in the year 2018. The petitioner herein had not cross examined him for almost 1 ½ years thereafter. Following the direction given by the trial Court, she conducted cross examination of the respondent herein on 05.01.2019 and again



C.R.P.(MD)Nos.1965 & 1966 of 2024

on 10.12.2019. She then abruptly stopped the cross examination. The other witnesses examined on the side of the respondent herein were also not cross examined immediately. Thus, the conduct of the petitioner clearly indicates that she had dragged on the matter for several years. That is why, the court below came to the conclusion that I.A.No.3 of 2024 has been filed only to drag on the proceedings further. The court below has given solid and convincing reasons for dismissing IAs filed by the petitioner herein. Interference is not warranted. The Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2024

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

To:

The Suordinate Judge, Musiri.



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C.R.P.(MD)Nos.1965 & 1966 of 2024

G.R.SWAMINATHAN, J.

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C.R.P.(MD)Nos.1965 & 1966 of 2024

04.09.2024