



C.R.P(MD)No.1979 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.1979 of 2024

S.V.S.J.Arul Mari @ J.Arulmozhi

... Petitioner /
Petitioner /
Petitioner

Vs.

K.Thirumurugan

... Respondent /
Respondent /
Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the order in I.A.No.169 of 2022 in H.M.O.P.No.106 of 2020 on the file of the III Additional Sub Court, Madurai dated 20.12.2023 and to set aside the same and allow this Civil Revision Petition.

For Petitioners : Mr.A.Haja Mohideen



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ORDER

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Heard the learned counsel appearing for the revision petitioner.

2.The petitioner has filed H.M.O.P.No.106 of 2020 on the file of III Additional Sub Court, Madurai seeking restitution of conjugal rights. In the said HMOP, I.A.No.169 of 2022 was filed seeking return of her articles. The said IA was dismissed on 20.12.2023. Questioning the same, this Civil Revision Petition has been filed.

3.I went through the contents of the order. It states that since the petitioner has not adduced any evidence, the IA suffered dismissal. There is no need to interfere with such an order. The petitioner is permitted to adduce proper evidence in the main HMOP and this relief can be sought in the main HMOP itself. The trial Court shall not put dismissal of this IA against the petitioner herein while considering the grant of such a relief in the main HMOP. H.M.O.P.No.106 of 2020 shall be disposed of by the Court below on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.



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4. With the aforesaid liberty in favour of the petitioner and with the aforesaid observation, this Civil Revision Petition is dismissed. There shall be no order as to costs.

22.08.2024

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

To

III Additional Sub Court, Madurai.



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G.R.SWAMINATHAN, J.

MGA

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