



C.R.P.(MD)No.2346 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2346 of 2024
and
C.M.P.(MD)No.13312 of 2024

K.Vijaybalaji

... Petitioner / Respondent

Vs.

V.Sugashini

... Respondent / Petitioner

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.08.2024 in I.A.No.2 of 2024 in H.M.O.P.No.27 of 2012 on the file of the Principal Subordinate Judge, Tiruchirappalli and to allow the civil revision petition.

For Petitioner : Mr.S.Parthiban

ORDER

Heard the learned counsel appearing for the revision petitioner. The respondent has been served through her counsel. But she has not chosen to enter appearance. Private notice sent to the respondent's address has been returned with an endorsement "no such person".



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2. The respondent herein filed H.M.O.P.No.27 of 2012 on the file of the Principal Sub Court, Tiruchirappalli for restitution of conjugal rights. The petitioner had cross-examined her. There was a change of counsel. In these circumstances, I.A.No.2 of 2024 was filed for reopening the petitioner side evidence. The court below vide order dated 12.08.2024 dismissed IA. Questioning the same, this civil revision petition came to be filed.

3. I will not fault the court below for having passed the impugned order. This was because, the High Court had already given a direction in C.R.P.No. 895 of 2023 for speedy disposal. The court below also noted that opportunities were given in abundance to the revision petitioner herein. However, taking into account the larger interests of justice and to give one more opportunity, the impugned order is set aside. The petitioner herein undertakes before this Court that he will complete the cross examination of the respondent herein on the next hearing date or on whatever date she appears.

4. Recording the said undertaking, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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NOTE:Issue Order Copy on 17.10.2024.



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To:

The Principal Subordinate Judge, Tiruchirappalli.



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G.R.SWAMINATHAN, J.

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