

C.R.P.(PD)(MD)No.295 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.295 of 2025

and

C.M.P(MD)No.1706 of 2025

P.Sudhakar

...Petitioner/Petitioner/Petitioner

Vs.

J.Jeyalakshmi

...Respondent/Respondent/Respondent

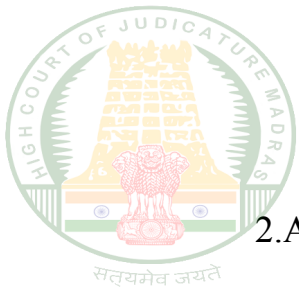
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order passed in I.A.No.2 of 2024 in O.P.No.321 of 2024 dated 07.12.2024 on the file of the Family Court, Theni.

For Petitioner : Mr.T.Wins

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ORDER

The present revision petition has been filed by the petitioner in H.M.O.P.No.321 of 2024, on the file of the Family Court, Theni, challenging the dismissal of his application under Section 12 of the Family Courts Act.



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2.A perusal of the records reveal that the revision petitioner herein has filed H.M.O.P.No.321 of 2024 for restitution of conjugal rights.

3.Pending the said petition, I.A.No.2 of 2024 has been filed invoking Section 12 of the Family Courts Act, 1984, so that some assistance could be given to the petitioner and the respondent by the medical and welfare experts. This application has been dismissed by the Family Court on the ground that unless there is a consent by either parties, the parties cannot be referred for medical experts. In the present case, the wife has not consented for referring her to a medical expert or a welfare expert. Hence, no such order could be passed. This order is under challenge in the present revision petition.

4.According to the learned Counsel appearing for the revision petitioner, the present petition has been filed only with a view to bring about reunion of the couple, so that expertise of the medical experts and family welfare experts could be utilised by the parties. Hence, he has prayed for allowing the revision petition.

5.A perusal of Section 12 of the Family Courts Act, 1984 reveals that the Family Court is entitled to seek the assistance of Medical and Welfare experts



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only for the purpose of assisting the Court in discharging its function. The said provision cannot be invoked by the parties to the proceedings. In case, if the petitioner wants to have counselling, the same can be undertaken by the Family Court if it feels so. However, the present application is not maintainable. Therefore, there are no merits in the Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

10.02.2025

Internet:Yes/No
Index:Yes/No
RJR

To

The learned Judge,
The Family Court, Theni.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

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