



C.R.P.(PD)(MD)No.357 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.357 of 2025

and

C.M.P(MD).No.2027 of 2025

S.Jensheelal

...Petitioner/Petitioner/Respondent

Vs.

George David

...Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the impugned fair and decreetal order dated 30.08.2024 passed in unnumbered I.A.Diary No.2043 of 2023 and set aside the same and direct the learned Additional District Judge, Srivilliputhur, to number the said I.A.

For Petitioner : Mr.N.Dilipkumar

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ORDER

The respondent in I.D.O.P.No.165 of 2021, on the file of the Additional District Court, Srivilliputhur, is the revision petitioner herein.

2.The respondent herein as petitioner had filed the above said I.D.O.P.No.165 of 2021, for the relief of dissolution of marriage.



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3. Pending I.D.O.P., the revision petitioner herein/wife had filed I.A.No.2 of 2022 seeking interim maintenance. Pending the said I.A, the revision petitioner has filed an application under Sections 45 and 47 of the Divorce Act r/w. Order 7 Rule 11 of C.P.C. to reject I.D.O.P.No.165 of 2021. This application remains unnumbered. The learned Judge, Fast Track Mahila Court, Srivilliputhur has proceeded to dismiss the said application on the ground that neither the petitioner, nor her counsel has appeared.

4. However, a perusal of the records reveal that on the date when the unnumbered I.A. was dismissed, the petitioner and the respondent were present. The petitioner had filed proof affidavit and examined as P.W.1. Ex.P.1 to Ex.P.13 were marked and it was adjourned for cross examination of P.W.1 on 02.09.2024. Therefore, it is clear that the learned Judge has not taken into consideration the appearance of the revision petitioner on 30.08.2024. The learned Judge has further found that there is a direction from the High Court for expedite disposal of I.D.O.P.No.165 of 2021.

5. However, a perusal of the order passed by this Court on 26.03.2024 in C.R.P.(MD)No.164 of 2024 reveals that there was a direction only to dispose of



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the I.A., including the present unnumbered I.A. and not the main I.D.O.P. In the said circumstances, the order of the learned Additional District Judge, Srivilliputhur, is not legally sustainable and the same is hereby set aside. The Additional District Court, Srivilliputhur, is directed to number the said I.A., if it is otherwise in order and proceed to pass orders on merits and in accordance with law.

6. With the above said directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

10.02.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Additional District Judge, Srivilliputhur.

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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