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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.1163 of 2025

and

C.M.P(MD)No.6240 of 2025

Antoniette Infantina Gerard @ Tina

...Petitioner/Respondent/Respondent/Respondent

Vs.

M.Ashwin Michael Raj

Represented through his power agent

S.Michaelraj Fernando.

...Respondent/Petitioner/Petitioner/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the entire records pertaining to the order passed by the Family Court, Thoothukudi, in E.A.No.4 of 2024 in E.P.No.2 of 2024 in G.W.O.P.No. 16 of 2023, dated 01-03-2025 and set aside the same.

For Petitioner : Mr.R.Anand

For Respondent : Mr.V.Meenakshi Sundaram

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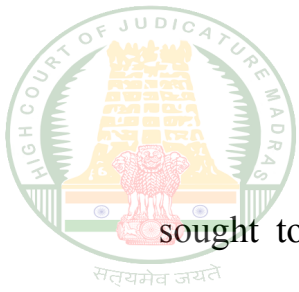
ORDER

The respondent in G.W.O.P.No.16 of 2023, on the file of the Family Court, Tuticorin, has filed the present revision petition wherein the executing Court has not permitted the execution petitioner to file a reply counter.

2.The above said G.W.O.P. has been filed by the father of the minor child seeking custody. The said application was allowed by the trial Court on 26.12.2023. Challenging the same, the present revision petitioner/mother has filed C.M.A.(MD)No.589 of 2024, and the same is pending before this Court.

3.Alleging non-compliance of the direction in G.W.O.P.No.16 of 2023, the father has filed E.P.No.2 of 2024. The mother has filed her counter in the said execution petition. The father through his power agent has filed E.A.No.4 of 2024, seeking permission of the Court to file reply counter along with documents. This application has been allowed by the trial Court. Challenging the same, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioner, there is no reference or any indication about the nature of documents which are



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sought to be marked by the execution petitioner. In such circumstances, the Court should not have allowed E.A.No.4 of 2024.

5.Per contra, the learned Counsel appearing for the respondent herein had contended that they have filed this application only for the purpose of seeking permission to file a reply counter. In case, if they wish to mark any documents, they will file a separate application seeking permission of the Court to let in oral evidence and the documents to be marked.

6.In view of the above said clarifications of the learned Counsel appearing for the respondent herein, the apprehension of the revision petitioner is misconceived.

7.Therefore, there are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

09.04.2025

Internet:Yes/No
Index:Yes/No
RJR



R.VIJAYAKUMAR, J.

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To

The learned Judge,
Family Court, Thoothukudi.

Copy to:-

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

C.R.P.(NPD)(MD)No.1163 of 2025

09.04.2025