



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.1341 of 2022

and

C.M.P.(MD)No.5563 of 2022

Nishapriya

... Petitioner/Petitioner/Respondent

Vs.

R.J.Sathishkumar

... Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decretal order dated 14.03.2022 passed in I.A.No.3 of 2021 in G.O.P.No.52 of 2019 on the file of the Family Court Judge, Thanjavur.

For Petitioner : M/s.K.Gokul

For Respondent : Mr.Samuel James
Devasagayam

* * * * *

ORDER

The respondent in G.O.P.No.52 of 2019 on the file of the Family Court, Thanjavur, is the revision petitioner.



2.The respondent herein had filed G.O.P.No.52 of 2019 seeking custody of his minor son aged about 9 years. After the petitioner's side evidence was over, the case was adjourned from 30.07.2019 till 01.03.2021 for production of evidence on the side of the respondent/wife. Since she has neither appeared nor produced any evidence, her evidence was closed on 01.03.2021. Therefore, the revision petitioner herein has filed I.A.No.3 of 2021, to recall herself for let in evidence on the side of the revision petitioner. This application was dismissed by the Family Court on the ground that despite several opportunities, the revision petitioner has not let in evidence for more than two years.

3.The learned Counsel appearing for the revision petitioner had contended that the Court had directed her for production of the child and since the same has not been complied with, the evidence has been closed. The Family Court has arrived at a finding that no such direction was issued to produce the child and the wife had not let in evidence for more than two years.

4.It is submitted by the learned Counsel appearing for the revision petitioner that on the side of the revision petitioner, she alone would be examined.

5.This Court finds that there is no illegality or infirmity in the order passed by the Family Court. However, to give one more chance to the revision



petitioner, this Court is inclined to pass the following orders:-

a)The order passed in I.A.No.3 of 2021 on the file of the Family Court, Thanjavur, is hereby set aside.

b)The revision petitioner shall appear before the Family Court, Thanjavur, in any one of the days between 24.02.2025 to 28.02.2025 to let in evidence on her side; and

c)The learned Counsel appearing for the respondent in the revision petition is directed to complete the cross examination on the same date.

6.With the above said deliberations, this revision petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is also closed.

06.02.2025

Internet:Yes/No
Index:Yes/No
RJR

To

The learned Judge,
Family Court, Thanjavur.



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R.VIJAYAKUMAR, J.

RJR

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