



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1367 of 2026

&

CMP NO. 6642 OF 2026

Vithya,
W/o.Lakshminarayanan,
No.13/1, K.P.R.Layout,
Siganallur,
Coimbatore District -641 005.

..Petitioner(s)

Vs

Lakshminarayanan,
S/o.Haridhass,
No.190, Addis Street,
Grey Town,
Coimbatore District -641 018.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Art.227 of Constitution of India praying to set aside the docket order dated on 09.09.2025 made in I.A.No.1 of 2025 in H.M.O.P.No.1613 of 2021 on the file of the Principal Family Court at Coimbatore and by allowing the above Civil Revision Petition and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr. V.Chinnasamy

**ORDER**

Challenging the docket order passed by the trial Court in I.A.No.1 of 2025 in HMOP.No.1613 of 2021, dismissing the petition praying to re-open the evidence of PW1 for further cross examination, the present Civil Revision Petition is filed by the petitioner/wife.

2. Learned counsel for the petitioner/wife submitted that before the trial court, the petitioner has filed I.A.No.1 of 2025 in HMOP.No.1613 of 2021 to re-open the evidence of PW1 for further cross examination. The petitioner has cross examined PW1/husband and the case was posted to 04.03.2025 for continuation of cross examination, however on 04.03.2025, since her counsel was held up in High Court, Chennai, she was unable to cross examine PW1 on that day. The trial Court closed the evidence of PW1's cross examination and posted the matter to 15.03.2025 for the evidence of respondent. On 20.08.2025, the court has allowed the petition with the cost of payment of Rs.11,000/- to the Coimbatore District Advocates' Welfare Fund Scheme on or before 09.09.2025, failing which, the petition shall stand dismissed automatically. On 09.09.2025, since the petitioner has not complied with the conditional order passed by the trial court, I.A.No.1 of 2025 was dismissed.

3. The trial court without considering the fact that the petitioner was



depending upon her aged parents and she has no source of income, imposed heavy cost of Rs.11,000/- to reopen the application made by the petitioner for re-cross examination. The non compliance of the conditional order passed by the trial court is neither wilful nor wanton, but only due to the financial constraint faced by the petitioner. He further submitted that the impugned order passed by the trial court would result in denying appropriate opportunity of defending the case of the petitioner, but at the same time, no prejudice would be caused to the respondent/husband. Hence, he prayed to set aside the docket order dated 09.09.2025 and to allow the Civil Revision Petition.

4. On perusal of impugned order, it reveals that the learned trial Judge has noted down that on 09.09.2025, petitioner has appeared before the trial court in the morning session, but had not appeared afterwards and not complied with the conditional order. As the petitioner has not complied with the conditional order, the trial Judge dismissed her petition seeking to re-open the evidence of PW1 for further cross examination.

5. Considering the fact that the petitioner is depending upon her aged parents and she has no source of income, she is not able to comply with the conditional order passed by this Court. In the circumstances, this Court is inclined to give one more opportunity to the petitioner to defend her case.



6. In view of the above , this Court is inclined to set aside the order passed by the trial court on 09.09.2025 in I.A.No.1 of 2025 in HMOP.No.1613 of 2021. Accordingly, the impugned order passed by the trial court is set aside. The petitioner is directed to cooperate with the ongoing trial proceedings in HMOP.No.1613 of 2021 which is pending from 2021.

7. The Civil Revision Petition is allowed on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

06-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Issue copy on 09.03.2026

msr

To
Lakshminarayanan,
S/o.Haridhass,
No.190, Addis Street,
Grey Town,
Coimbatore District -641 018.



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T.V.THAMILSELVI J.

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