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Sarita Vs. Dilip

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SooperKanoon Citation : sooperkanoon.com/511736

Court : Madhya Pradesh

Decided On : Aug-28-2002

Reported in : I(2003)DMC393

Judge : A.K. Gohil, J.

Acts : Code of Civil Procedure (CPC) , 1908 - Sections 115 - Order 7, Rule 11

Appeal No. : Civil Revision No. 159 of 2002

Appellant : Sarita

Respondent : Dilip

Advocate for Def. : O.P. Sharma, Adv.

Advocate for Pet/Ap. : M.A. Bohara, Adv.

Disposition : Revision dismissed

Judgement :
ORDER

A.K. Gohil, J.

1. No revision is maintainable against the rejection of amendment application which is an interlocutory order. The Trial Court has also rejected the application filed Under Order VII Rule 11 of the Code about the maintainability of the suit. The

husband has filed suit for declaration that he has obtained divorce as per the prevailing custom in his caste which is fully established. The Trial Court has held that such a suit is maintainable placing reliance on the decision in the case of P. Mariammal v. Padmanabhan, AIR 2001 Madras 350.

2. Learned Counsel for respondent submitted that this Court has also taken similar view in the order passed on 7.8.2002 in Civil Revision No. 160 of 2002, Sandhya @ Divya and Ors. v. Dinesh Kushzvaha.

3. Accordingly it is held that the suit is maintainable and the Trial Court has rightly rejected the objections filed on behalf of the applicants/defendants.

4. Consequently this revision has no merits and is hereby dismissed with no order as to costs. Trial Court record be returned back immediately. Both the parties are directed to appear before the Trial Court on 7.10.2002 for further proceedings in the suit. In view of the aforesaid order, M.(C)P. No. 300/2002 stands disposed of.

C.C. to both in 3 days on payment of usual charges.

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