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C.R.P.(PD) No.1127 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

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

**C.R.P.(PD) No.1127 of 2026
and C.M.P.No.5895 of 2026**

Kuppusamy,
S/o. Marigounder,
Kanjanaickenpatty Village and Post,
Omalur Taluk,
Salem District.

..Petitioner

Vs.

Rosi alias Nirosha
W/o. Kuppusamy,
Door No.5/232,
Thimmasi Valavu,
Periya Sooragai,
Mettur Taluk,
Salem District.

..Respondent

This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to allow this Civil Revision Petition by setting aside the dismissal order dated 08.01.2026 passed in I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 by the Sub Court, Mettur and consequently, directing to conduct medical test to test the virginity of the respondent.

For Petitioner : Mr.T.Ganesan



ORDER

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The present Civil Revision Petition has been filed by the petitioner praying to set aside the Order dated 08.01.2026 in I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 passed by the learned Sub Judge, Mettur and to pass an order directing to conduct medical examination to test the virginity of respondent.

2. The brief facts of the case are that petitioner and respondent are husband and wife. Their marriage was held on 18.06.2007 at Kanjanaickenpatty Village in the presence of their family elders. The respondent/wife had filed a Petition in H.M.O.P.No.89 of 2013 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 before the Sub Court, Mettur seeking divorce to dissolve the marriage held between petitioner/husband and respondent/wife on the grounds of cruelty and impotency of petitioner/husband. During the pendency of H.M.O.P.No.89 of 2013, petitioner/husband had filed an Interlocutory Application in I.A.No.43 of 2015 in H.M.O.P.No.89 of 2013 before the Sub Court, Mettur, praying to conduct a medical examination of petitioner/husband and respondent/wife, but, the said application came to be dismissed on 02.09.2016. Challenging the said dismissal order dated 02.09.2016, petitioner/husband filed a Civil Revision Petition in C.R.P.(PD) No.193 of 2017 before this Court. The said Civil Revision Petition was



disposed of by this Court vide Order dated 08.11.2021. The operative portion of the Order dated 08.11.2021 in C.R.P.(PD) No.193 of 2017 reads as follows:

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“8. The impugned order passed in I.A.No.43 of 2015 dated 02.09.2016 by the Sub Court, Mettur is set aside and the matter is remitted back to the Trial Court with a direction to appoint Advocate Commissioner as Mediator to conduct medical examination with regard to the potency test of the petitioner and also with regard to virginity test of the respondent after issuing notice to the parties and submit the Report. On receipt of the report, the Trial Court is directed to dispose of main H.M.O.P.No.89 of 2013 on merits in accordance with law as expeditiously as possible.

9. With the above direction, this Civil Revision Petition is allowed. No costs.”

3. After the aforesaid order of this Court, the Trial Court appointed an Advocate Commissioner as a Mediator to conduct medical examination with regard to potency of petitioner/husband as well as virginity of respondent/wife, pursuant to which, petitioner/husband and respondent/wife were subjected to medical examination and their medical reports were submitted before the Court by the Advocate Commissioner. However, the medical report of respondent/wife does not reveal anything about the virginity of respondent/wife. Therefore, petitioner/husband had filed an Interlocutory Application in I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 before the Sub Court, Mettur praying that respondent/wife may be subjected to medical examination and a report may be



obtained as to whether she is virgin. However, the learned Sub Judge, Mettur has dismissed I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 vide Order dated 08.01.2026. Aggrieved by the same, petitioner/husband has filed this Civil Revision Petition.

4. The learned counsel for petitioner/husband submitted that pursuant to the Order dated 08.11.2021 in C.R.P.(PD) No.193 of 2017 passed by this Court, petitioner/husband and respondent/wife were subjected to medical examination and their medical reports were also submitted before the Trial Court, but, the medical report of respondent/wife does not say anything about the virginity of respondent/wife and hence, petitioner/husband had filed I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 before the Sub Court, Mettur praying that respondent/wife may be subjected to medical examination and a report may be obtained as to whether she is virgin. However, without considering the same, the Court below has dismissed I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 by holding that both the petitioner/husband and respondent/wife were already subjected to medical examination and their medical reports were also produced before the Court. Therefore, the learned counsel prayed that the impugned order may be set aside and this Civil Revision Petition may be allowed.

5. Heard the learned counsel for petitioner and perused the materials available on record.

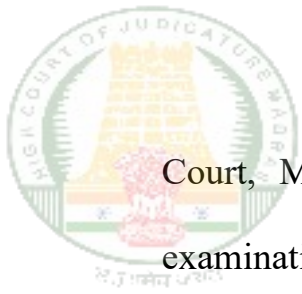


6. In the present case, petitioner and respondent are husband and wife.

The petitioner/husband had filed I.A.No.43 of 2015 in H.M.O.P.No.89 of 2013 before the Sub Court, Mettur, praying to issue a direction to conduct a medical examination of petitioner/husband and respondent/wife, but, the said application was dismissed on 02.09.2016. Challenging the said dismissal order, petitioner/husband filed C.R.P.(PD) No.193 of 2017 before this Court. On 08.11.2021, this Court had disposed of the said Civil Revision Petition by setting aside the Order dated 02.09.2016 in I.A.No.43 of 2015 passed by the Sub Court, Mettur and remitting back the case to the Sub Court, Mettur with a direction to appoint an Advocate Commissioner as a Mediator to conduct medical examination with regard to potency of petitioner/husband and virginity of respondent/wife and submit a Report before the Court.

7. As per the Order dated 08.11.2021 in C.R.P.(PD) No.193 of 2017 passed by this Court, the Trial Court appointed an Advocate Commissioner as a Mediator to conduct medical examination with regard to potency of petitioner/husband as well as virginity of respondent/wife, pursuant to which, petitioner/husband and respondent/wife were subjected to medical examination and their medical reports were submitted before the Court below.

8. However, even then, petitioner/husband had filed an Interlocutory Application in I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 before the Sub



Court, Mettur praying that respondent/wife may be subjected to medical examination and a report may be obtained as to whether she is virgin, but, the said application was dismissed by the Court below vide Order dated 08.01.2026.

Hence, petitioner/husband has come up with this Civil Revision Petition.

9. So far as this case is concerned, as per the Order dated 08.11.2021 in C.R.P.(PD) No.193 of 2017 passed by this Court, petitioner/husband and respondent/wife have already been subjected to medical examination and the medical reports with regard to potency of petitioner/husband and virginity of respondent/wife have also been submitted before the Court below. While so, petitioner/husband had filed an application before the Court below praying to subject the respondent/wife to medical examination and to obtain a report regarding her virginity.

10. Since both the parties were already subjected to medical examination and their medical reports were also submitted before the Court below, there is no necessity to subject the respondent/wife to medical examination once again. Therefore, the learned Sub Judge, Mettur has rightly dismissed I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 vide Order dated 08.01.2026.

11. I am of the opinion that the impugned order does not warrant any interference. Therefore, this Civil Revision Petition is liable to be dismissed.



12. Accordingly, this Civil Revision Petition is dismissed and Order dated 08.01.2026 in I.A.No.5 of 2025 in H.M.O.P.No.89 of 2013 passed by the learned Sub Judge, Mettur is confirmed.

13. Taking note of the fact that the divorce petition filed by the respondent/wife in H.M.O.P.No.89 of 2013 on the file of Sub Court, Mettur is pending since 2013, Sub Court, Mettur is directed to dispose of H.M.O.P.No.89 of 2013, as expeditiously as possible. It is needless to state that both the parties shall co-operate for H.M.O.P proceedings. No costs. Consequently, connected Miscellaneous Petition is closed.

12-03-2026

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

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T.V.THAMILSELVI, J.

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