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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CRP No. 2700 of 2025
and CMP Nos.15268 & 18880 of 2025**

K.R. Uthaiya Tharsini
W/o. S. Rajesh Kanna,
D/o. K. Ramanathan, Flat No.2C, 2nd
Floor, BBCL Ananya, No.17/34, Five
Furlong Road, Race Course, Guindy
Industrial Estate, Chennai - 032.

Petitioner(s)

Vs

S. Rajesh Kanna
S/o. K. Subramaniam, 1041, Thiruvalluvar
Colony, Thiruthangal P.O., Viruthunagar
District – 130.

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India, to allow the above CRP, set aside the impugned order of the Learned IV Additional Principal Judge, Family Court, Chennai (FAC), VI Additional Principal Judge, Family Court, Chennai passed in IA No.2 of 2024 in HMOP No.4026 of 2022 dated 20.05.2025 and dismiss the same.

For Petitioner(s): S.D.Venkateswaran

For Respondent(s): Mr.S.Rajesh Kanna
(Party-in-person)

**ORDER**

This Civil Revision Petition has been filed against the fair and decreetal order passed in IA.No.2 of 2024 in HMOP No.4026 of 2022, on the file of the learned IV Additional Principal Judge, Family Court, Chennai (FAC) VI Additional Principal Judge, Family Court, Chennai, dated 20.05.2025, wherein the Court below allowed the application filed by the respondent and set aside the ex-parte order dated 05.01.2024.

2.Heard the learned counsel for the petitioner and the respondent who appeared in person and carefully perused the materials available on record. This Court also carefully went through the order passed by the Court below.

3.The respondent filed OP.No.4026 of 2022, seeking for dissolution of marriage on the ground of cruelty. The petitioner was set ex-parte on 05.01.2024 and the order came to be passed. The respondent filed IA.No.2 of 2024, to set aside the ex-parte order and the same came to be allowed by the Court below on the condition that the respondent pays cost of Rs.5,000/- to the petitioner. Aggrieved by the same, the petitioner/wife has filed the present Civil Revision Petition before this Court.

4.The learned counsel for the petitioner submitted that the order was passed in IA.No.2 of 2024 even without the knowledge of the petitioner and in her absence and thus a fraud has been played against the petitioner. It is further submitted



that the order was passed by the in-charge Judge, without affording opportunity to the petitioner.

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5.The respondent who was appeared in person submitted that inspite of his best efforts, the parties are not able to come to any settlement and therefore he is willing for a dissolution of marriage by mutual consent. However, he insisted that there is a male child aged about 7 years and 3 months who is in the custody of the petitioner and the respondent is not even allowed to meet the child. Therefore, the respondent and his parents want visitation rights as a condition precedent to accept for dissolution of marriage by mutual consent.

6.The learned counsel for the petitioner submitted that the petitioner is not even aware about the correct address of the respondent and in the absence of the same, the respondent cannot be allowed to seek for any visitation.

7.After the above submission was made, the respondent gave in writing his address along with his mobile number and for proper appreciation, it is extracted here under:

No. 1041-A, Thiruvalluvar Thiruthangal Colony, Sivakasi-626130.

Mobile No.9663146622

8.In the light of the above development, the learned IV Additional Principal Judge, Family Court, Chennai, is directed to call both the parties during the next date of hearing and confirm whether the parties are willing for divorce by mutual



consent. The IV Additional Principal Judge, Family Court, Chennai, shall also enquire the parties and the child to arrange for the visitation rights to the respondent and his parents so that the child can be in touch with the respondent and his parents. Once this process is stabilized, the parties can be permitted to proceed further with the dissolution of marriage by mutual consent and the period spent to prosecute HMOP NO.4026 of 2022, can be considered for dispensing with the mandatory waiting period of six months.

9.The petitioner and the respondent shall be present before the IV Additional Principal Judge, Family Court, Chennai, on 03.09.2026 and the learned Judge shall conduct the enquiry as directed supra.

10.The order passed by the Court below is sustained and this Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

20-08-2026

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

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Note: Issue order copy on **24.8.2026**



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To

IV Additional Principal Judge,
Family Court, Chennai.





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N.ANAND VENKATESH J.

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