



WEB COPY

CRP No. 5084 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 5084 of 2025 and
CMP.No.25622 of 2025**

Nandhini
D/o. V. Saminathan, No. 3/189 (D),
Meenampalayam, Muduthurai,
Coimbatore, Tamil Nadu - 638459

..Petitioner(s)

Vs

R.Selva Murugan
S/O. Ramar, No.1/48, East Street, Sanganaperi,
Sivagiri, Tirunelveli - 627758.

..Respondent(s)

This Civil Revision Petition has been filed praying to strike out the pleadings of HMOP.No.138 of 2025 filed by the Respondent under section 11 of the Hindu Marriage Act, 1955 which is pending on the file of Honble Sub Court, Mettupalayam as an abuse of process of law.

For Petitioner(s): Mr.T.Muthukumar

For Respondent(s): Mr.A.Raja Mohamed

ORDER

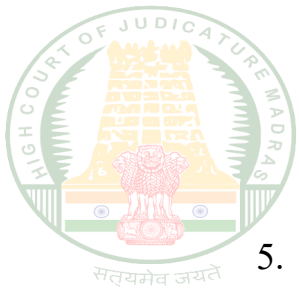
This Civil Revision Petition has been filed to strike out the pleadings in H.M.O.P.No.138 of 2025, filed under Section 11 of the Hindu Marriage Act, 1955 which is pending on the file of the Sub Court, Mettupalayam.



2. H.M.O.P.No.138 of 2025 has been filed by the respondent against the petitioner under Section 11 of the Hindu Marriage Act 1955, seeking to declare that the alleged marriage said to have taken place between the respondent and the petitioner is a nullity.

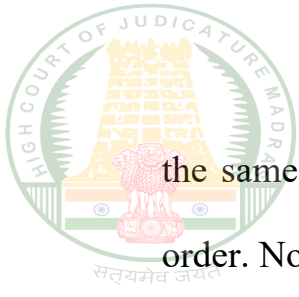
3. The petitioner who claims to be the wife of the respondent has filed this Civil Revision Petition under Article 227 of Constitution of India seeking to strike out the pleading in H.M.O.P.NO.138 of 2025 pending on the file of the Sub Court, Mettupalayam. Instead of exercising the statutory remedy available under the Civil Procedure Code, for rejection of the petition filed in support of H.M.O.P.No.128 of 2025, under Order VII Rule 11 CPC. the petitioner has directly filed this Civil Revision Petition under Article 227 of Constitution of India seeking to strike out the pleadings in H.M.O.P.No.138 of 2025.

4. The Hon'ble Supreme court in its recent decision in the case of ***P.Suresh Vs. D.Kalaivani & Ors*** rendered in ***Civil Appeal in 739 of 2026*** has held that only portions of the pleadings can be struck off and not the entire plaint/petition by exercising the powers under Article 227 of Constitution of India. The Hon'ble Supreme Court also held that when the statutory remedy is available to reject the plaint/petition, the party will have to exercise the said remedy and not approach the High Court under Article 227 of Constitution of India.



5. When this Court expressed its view to the learned counsel for the petitioner, the learned counsel for the petitioner sought liberty from this Court for the petitioner to approach the Sub Court, Mettupalayam to file an application under Order VII Rule 11 CPC, seeking for rejection of petition in HMOP.No.138/2025 filed by the respondent under Section 11 of the Hindu Marriage Act, 1965. No prejudice will be caused to any of the parties if such a liberty is granted, provided the respondent is also granted liberty to raise all the objections available to him under law for objecting to the filing of an application under Order VII Rule 11 CPC.

6. Since the present Civil Revision Petition filed under Article 227 of Constitution of India is not maintainable, this Civil Revision Petition is disposed of, by granting liberty to the petitioner to file an application under Order VII Rule 11 CPC, before the Sub Court, Mettupalayam seeking for rejection of the petition filed in HMOP.No.138/2025 by the respondent, within a period of **two weeks** from the date of receipt of a copy of this order. On such an application being filed by the petitioner, liberty is also granted to the respondent to raise all objections available to him under law, in respect of the application filed by the petitioner under Order VII Rule 11 CPC which includes the plea of limitation. The Sub Court, Mettupalayam while deciding such an application shall decide



the same, uninfluenced by any of the observations made by this Court in this order. No costs. Consequently, connected Miscellaneous Petition is closed.

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

To
The Sub Court, Mettupalayam.



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ABDUL QUDDHOSE, J.

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