

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.3025 of 2014
& M.P.No.1 of 2014

S.Malika

.. Petitioner

Vs.

C.Gurusamy

.. Respondent

PRAYER: Civil Revision Petition filed Under Article 227 of the Constitution of India against the fair and decretal order dated 28.04.2014 made in I.A.No.13 of 2013 in H.M.O.P.No.14 of 2011 on the file of the Subordinate Court Dharapuram, Tiruppur District.

For Petitioner : Mr.V.Regunathan

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed against the order dated 28.04.2014 made in I.A.No.13 of 2013 in H.M.O.P.No.14 of 2011 on the file of the Subordinate Court, Dharapuram, Tiruppur District.

2. The petitioner is wife, respondent is the husband. The respondent filed H.M.O.P.No.14 of 2011 on the file of the Subordinate Court, Dharapuram, Tiruppur District, against the petitioner for divorce. The petitioner filed counter statement. Trial commenced. The respondent was examined in chief and he was cross examined partly. At that stage, the petitioner filed I.A.No.13 of 2013 for amendment of counter affidavit filed by her. According to her, some typing mistake has crept in and therefore she wanted to delete some lines in paragraphs 7 and 8 of the counter statement. The learned Subordinate Judge dismissed the said application.

3. Against the said order of dismissal dated 28.04.2014 made in I.A.No.13 of 2013 in H.M.O.P.No.14 of 2011, the petitioner has filed the present Civil Revision Petition.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation either in person or through counsel.

5. A reading of the amendment now sought for shows that petitioner now seeks for deletion of admission made by her and is seeking to introduce an inconsistent plea. The statement made by her in the counter statement now sought to be deleted cannot be a typographical error as alleged by her. The learned Judge has considered the destructive and inconsistent stand now taken by the petitioner and dismissed the application. In the circumstances, there is no irregularity or illegality warranting interference with the order of the learned Judge dated 28.04.2014.

6. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.10.2017

Index: Yes/No
gsa

To
The Subordinate Judge,
Dharapuram, Tiruppur District.

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V.M.VELUMANI,J.
gsa



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