

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.838 of 2017
and C.M.P.No.4125 of 2017

Murugan

... Petitioner

Vs.

Jayasudha

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 30.11.2016 made in I.A.No.694 of 2015 in H.M.O.P.No.171 of 2014 on the file of the Family Court, Villupuram.

For Petitioner : Mr.C.Prabakaran

ORDER

Challenging the fair and final order passed in I.A.No.694 of 2015 in H.M.O.P.No.171 of 2014 on the file of the Family Court, Villupuram, the petitioner, who is the husband of the respondent, has filed the above Civil Revision Petition.

2.The petitioner filed the Original Petition in H.M.O.P.No.171 of 2014 for divorce on the ground of cruelty. Subsequently, when the matter was taken up

for trial and after the commencement of the trial, the petitioner/husband filed an application in I.A.No.694 of 2015 under Order 6 Rule 17 of the Civil Procedure Code to amend the petition. The application filed by the petitioner was opposed by the respondent stating that the petitioner is trying to introduce a new case. The Family Court, taking into consideration the case of both parties, rightly came to the conclusion that by virtue of the proposed amendment, the petitioner is trying to introduce a new case contrary to the original pleadings. Since the petitioner is trying to introduce a new case contrary to the original pleadings, the order of the trial Court dismissing the petition is just and proper. That apart, the amendment petition was filed after the commencement of trial and therefore, I do not find any error or irregularity in the order passed by the trial Court.

3.The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

15.03.2017

To

The Family Court,
Villupuram.

M. DURAISWAMY,J.

va

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