

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4110 of 2015

Ramalakshmi @ Roopa

..Petitioner

Vs

Sriram

..Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 04.09.2015 made in I.A.No.133 of 2015 in H.M.O.P.No.60 of 2011 on the file of the Subordinate Court, Nagapattinam.

For Petitioner : Mr.M.Thamizhavel.

For Respondent : Mr.Guru Dhananjay

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 04.09.2015 made in I.A.No.133 of 2015 in H.M.O.P.No.60 of 2011 on the file of the Subordinate Court, Nagapattinam.

2. The petitioner is wife and respondent is husband. The petitioner filed H.M.O.P.No.60 of 2011 for divorce on the ground of cruelty. The respondent filed counter in the month of November 2011 and subsequently, he did not contest the H.M.O.P. An ex parte decree of divorce was granted on 10.10.2013. After obtaining copy of the decree, the petitioner filed I.A.No.133/2015 to correct the date of marriage as '20.01.2006' instead of '20.11.2006' and spelling of her name is 'Roopa' instead of 'Rupa'.

3. According to the petitioner, the date of marriage is 20.01.2006, by mistake, it has been wrongly mentioned as 20.11.2006 in one place. Similarly, her name was mentioned as 'Rupa', whereas correct spelling of her name is 'Roopa'. The petitioner filed present I.A.No.133 of 2015 under Order VI Rule 17 and Section 151 of C.P.C to correct the decree.

4. The learned Subordinate Judge, dismissed the application on the ground that only if there is any typographic or automatic error, it can be corrected.

5. Against the said order of dismissal dated 04.09.2015 made in I.A.No.133 of 2015, the present Civil Revision Petition is filed by the petitioner/wife.

6. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

7. From the materials available on record, it is seen that the petitioner filed the above H.M.O.P for divorce on the ground of cruelty. An exparte decree was passed on 10.10.2013. The petitioner has come out with the present application to correct the date of marriage and spelling of her name in the decree.

8. According to the petitioner, the date of marriage is only '20.01.2006' and spelling of her name is 'Roopa'. There is no dispute with regard to date of marriage and spelling of her name. The respondent has not produced any contra evidence to dispute the contention of the petitioner. Unless the corrections are made, decree will be meaningless.

9. In view of the above reasons, in the interest of justice, the Civil Revision Petition is allowed directing the learned Subordinate Judge, Nagapattinam, to correct the date of marriage and spelling of the petitioner as mentioned in the present application and issue corrected copy of the fair and decretal order. No costs.

07.12.2017

Index:Yes/No

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To
The Subordinate Judge
Nagapattinam.



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V.M.VELUMANI,J.



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