

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

**CRP(PD)No.1441 of 2018
and
C.M.P.No.7691 of 2018**

P.Selvakumar

.. Petitioner

Vs.

1.Ramya
2.P.Moorthy

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 17.11.2017 made in I.A.No.495 of 2016 in H.M.O.P.No.285 of 2014, on the file of the Principal Subordinate Judge, Tiruppur.

For Petitioners :M/s.S.Vinoth Kumar

ORDER

This Civil Revision Petition has been filed by the petitioner/husband against the the fair and decreetal order dated 17.11.2017 made in I.A.No.495 of 2016 in H.M.O.P.No.285 of 2014, on the file of the Principal Subordinate Judge, Tiruppur.

2. The HMOP was filed by the petitioner/husband against the respondent/wife before the Principal Subordinate Judge, Tiruppur for divorce.

3. During the pendency of the said H.M.O.P.No.285 of 2014, the revision petitioner has filed an application in I.A.No.495 of 2016 in H.M.O.P.No.285 of 2014, praying to implead one P.Moorthy as 2nd respondent as she had illicit relationship with the said P.Moorthy due to which a female child was born to them. The respondents filed counter by denying all the allegations.

4. After giving opportunity, the trial Court has dismissed the application. Aggrieved the order passed by the trial court, the revision petition is filed by the petitioner/husband stating that the trial Court failed to note that the 1st respondent is leading an adultery life with the second respondent and a child was also born to them.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

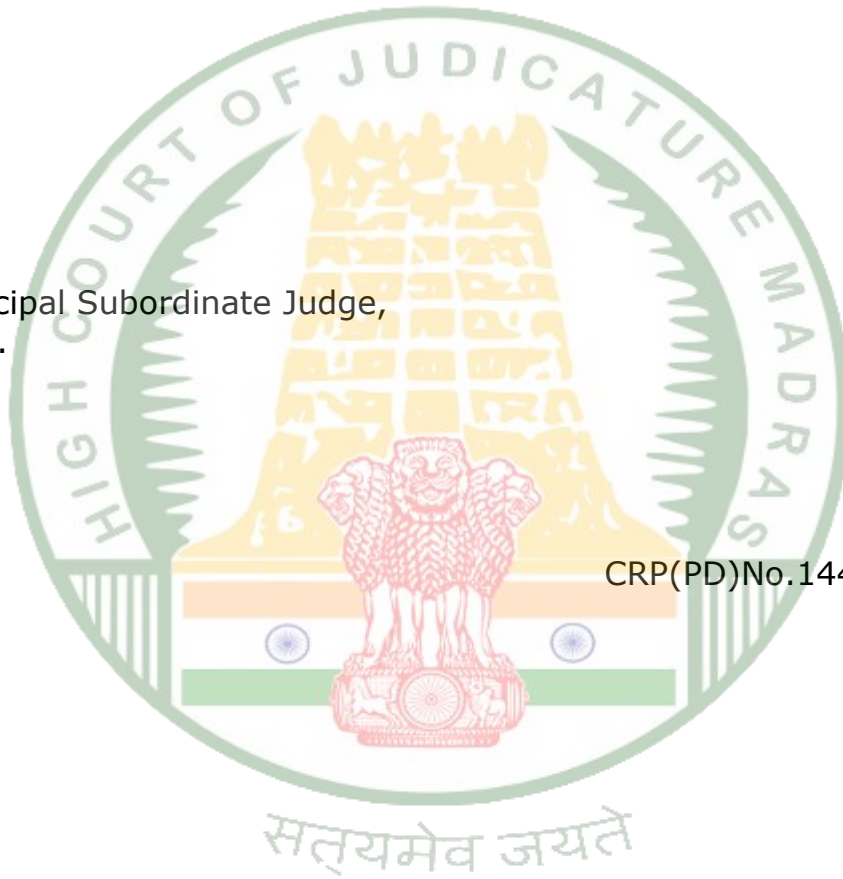
6. It is not in dispute that the marriage was performed between petitioner and the respondent on 22.05.2013 and the child was born on 01.07.2014. The petitioner has filed a petition for divorce in H.M.O.P.No.285 of 2014 on 04.07.2014 against the first respondent on the ground of cruelty on 04.07.2014. If at all any illicit intimacy between first and second respondent and child not born to the petitioner, in the original petition itself he might have stated, but he has not stated anything about the relationship of the adultery between the 1st respondent and 2nd respondent. Further in his notice also he has not stated anything about the illegal intimacy with the 2nd respondent. Even he has not filed any application for DNA test. Therefore, this court finds that no illegality or infirmity with the fair and decreetal order passed by the Court below and there is no merit in the revision. Hence, this civil revision petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

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P.VELMURUGAN, J.
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To
The Principal Subordinate Judge,
Tiruppur.



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