

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Civil Revision Petition (PD) No.24 of 2018
and C.M.P.No.71 of 2018

P.Chithra

Petitioner

...

Vs

V.Ramachandran

Respondent

...

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 24.08.2017 made in I.A.No.244 of 2014 on the file of Sub Court, Poonamallee.

For Petitioner : No appearance

For Respondent : Mr.Amar D.Pandiya

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ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 24.08.2017 made in I.A.No.244 of 2014 on the file of Sub Court, Poonamallee.

2. The order under challenge is the one passed under Order VI Rule 17 CPC wherein the learned Subordinate Judge, Ponnammallee has ordered for amendment of the petition to substitute the word "respondent's mother" instead of "respondent's father" wherever found.

3. It is the case of the respondent herein that the mistake of referring to the "respondent's mother" as "respondent's father" before the court below was a typographical error and had inadvertently crept in and therefore had sought for the said amendment. The petitioner herein had opposed the said amendment stating that the respondent herein is not an illiterate but a B.E graduate and therefore such an error ought not to have crept in and sought for rejection of the application. The Trial Court, by accepting the respondent's contention, admitted the mistake to be an inadvertent mistake and thereby ordered for amendment sought for.

4. The petitioner's father had died in the year 1991 itself which is evident from the counter filed in the amendment application before the Trial Court. As such, the reference to the petitioner's father in the Original Petition filed before the learned Subordinate Judge is an apparent mistake since the same refers to certain cause of action which occurred after the

marriage of the petitioner herein. I am unable to apprehend as to how the respondent's qualification can be cited as a reason to counter such an application seeking amendment since even according to the respondent herein, the mistake had accidentally crept in the petition. As such, I do not find any merits in the present Civil Revision Petition. Consequently, it can be held that there is no error in the order passed by the Trial Court.

5. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. Since the Original Petition for divorce was filed in the year 2015, it would be appropriate to direct the learned Subordinate Judge, Poonamallee to expedite the trial, within a time frame. Therefore, there shall be a direction to the learned Subordinate Judge, Poonamallee to complete the trial in HMOP No.244 of 2015 within a period of six (6) months from the date of receipt of a copy of this order.

सत्यमेव जयते

29.10.2018

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rgr

Index: Yes/No

Speaking order/Non-speaking order

To

The Subordinate Judge,
Poonamallee.



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M.S.RAMESH.J.,

rgr



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