



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2018

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

C.R.P. (PD) (MD) No.1126 of 2017

and

C.M.P. (MD) No.5147 of 2017

Manivannan : Petitioner/Petitioner/Petitioner

**vs.**

T.R.Metha : Respondent/Respondent/Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 02.03.2017 passed in I.A.No.256 of 2017 in H.M.O.P.No.338 of 2015 on the file of the III Additional Sub Court, Trichy.

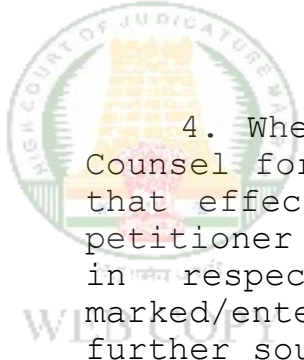
For Petitioner : Mr.G.Karnan  
For Respondent : Mr.A.Chandrakumar

**ORDER**

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed by the learned III Additional Sub Court, Trichy in I.A.No.256 of 2017 in H.M.O.P.No.338 of 2015 dated 02.03.2017.

2. The facts of the case are that the marriage between the petitioner and the respondent was solemnized on 12.03.2014. Due to family dispute, the petitioner herein has filed H.M.O.P.No.338 of 2015 before the III Additional Sub Court, Trichy, seeking divorce and in the course of the H.M.O.P., proceedings, the petitioner has filed an interlocutory application in I.A.No.256 of 2017 seeking to amend the plaint. The Court below, after hearing both sides, has dismissed the said interlocutory application and aggrieved thereby, the present revision petition came to be filed.

3. It is the contention of the learned Counsel for the petitioner that the respondent/the petitioner's wife is in illegal relationship with one Murugaperumal and averments to that effect are already there in the plaint itself. Subsequently, he got evidence to substantiate his pleadings and therefore, he has filed the present interlocutory application, which was dismissed by the Court below.



4. When the matter is taken up for hearing today, the learned Counsel for the respondent submitted that there are no averments to that effect in the plaint. However, he fairly submitted that the petitioner may be given liberty to cross examine the respondent/wife in respect of those averments/documents which are already marked/entered, i.e., which are already there in the plaint. He further sought for a direction to the Court below for early disposal of the proceedings, as the H.M.O.P., is of the year 2015.

5. In such a view of the matter, this Civil Revision Petition is disposed of, with liberty to the petitioner/husband to cross examine the respondent/wife in respect of those averments that were already mentioned in the plaint. It is made clear that the dismissal of the amendment application will not have any bearing on the main issue. The learned III Additional Subordinate Judge, Trichy, is directed to dispose of the H.M.O.P., within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

**To**

The III Additional Subordinate Judge,  
Trichy.

+ 1 CC TO Mr.A.CHANDRAKUMAR, ADVOCATE IN SR No. 48808  
+ 1 CC TO Mr.G.KARNAN, ADVOCATE IN SR No. 48838

GK  
TE/KKR/SAR-3 : 20/02/2018 : 2P/4C

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