



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.10.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.2479 of 2017
and
C.M.P. (MD) No.11716 of 2017

R.R.Vandhana ... Revision Petitioner/Wife
/Vs./
Karthik Saikrishnan ... Respondent/Husband

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to call for the records of the Divorce case filed by the respondent herein in H.M.O.P.No.156 of 2017 on the file of the Principal Subordinate Judge, Thanjavur and to strike off the same from the file of the Principal Subordinate Judge, Thanjavur.

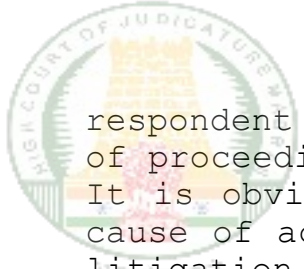
For Petitioner : Ms.J.Maria Roseline
For Respondent : No appearance

ORDER

The petitioner herein got married to the respondent on 02.09.2009 at Thanjavur. The respondent filed H.M.O.P.No.365 of 2010 before the Principal Sub Court, Tiruchirappalli for dissolving the said marriage. The said HMOP was dismissed on 19.02.2014. Challenging the same, the respondent filed C.M.A.(HMOP)No.4 of 2015 before the Principal District Judge, Tiruchirappalli. The said CMA was dismissed on 11.12.2015. Instead of preferring CMSA before this Court, the respondent chose to institute H.M.O.P.No.156 of 2017 before the Principal Sub Court, Thanjavur. The petitioner was issued with summons in the said HMOP. Contending that this is nothing but abuse of process and re-litigation, this civil revision petition has been filed to strike off H.M.O.P.No.156 of 2017 from the file of the Principal Sub Court, Thanjavur.

2. This Court had ordered notice to the respondent. Though the respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance either in person or through counsel.

3. This Court carefully looked at the materials on record. The endeavour of the respondent to dissolve his marriage with the revision petitioner ended in vain, in view of the dismissal of H.M.O.P.No.365 of 2010 on the file of the Principal Sub Court, Tiruchirappalli, which was confirmed in C.M.A.(HMOP)No.4 of 2015 on the file of the Principal District Court, Tiruchirappalli. Of Course, the dismissal of his earlier HMOP will not bar the filing of the second OP for divorce. But then, the second OP will have to be based on a subsequent cause of action. In the present case, the



respondent has filed HMOP, even without disclosing the earlier round of proceedings. This Court looked at the cause of action paragraph. It is obvious that the second HMOP is not based on any subsequent cause of action. The respondent has clearly indulged an act of re-litigation. Any litigant, who abuses the process of Court will have to be barred at the very threshold. Therefore, this Court strikes off H.M.O.P.No.156 of 2017 from the file of the Principal Sub Court, Thanjavur. Accordingly, this civil revision case is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Principal Sub Judge,
Thanjavur.

+1CC to Ms.J.Maria Roseline, Advocate, SR.No.91534

C.R.P. (MD) (PD) No.2479 of 2017
24.10.2018

SM
ES/SKN/RSK/SAR 2/29.11.2018/2P/3C