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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1803 of 2018 and
C.M.P.(MD)No.7886 of 2018

M.C.Anitta ...Petitioner/Petitioner/
Respondent

Vs.

1. M.Antony Arun Raja ...1st Respondent/Respondent/
Petitioner

2. Shobana ...2nd Respondent/
2nd Respondent/
Proposed 2nd Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.231 of 2017 in D.O.P.No.232 of 2016, dated 22.03.2018 on the file of the Principal District Court, Tuticorin, by allowing this Civil Revision petition.

For Petitioner: Mr.H.Arumugam
For R-1 : Mr.T.A.Ebenezer
For R-2 : M/s.V.Karuna

O R D E R

The respondent in D.O.P.No.232 of 2016 on the file of the Principal District Court, Tuticorin, is the Revision petitioner herein. The Revision petitioner herein filed I.A.No.231 of 2017 for impleading one Shobana as the second respondent in D.O.P. The said application was dismissed by order dated 22.03.2018. Questioning the same, this Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. The allegation of the Revision petitioner is that the first respondent is having adulterous relationship with the second respondent Shobana. This is strongly controverted and contested by the learned counsel appearing for the first respondent who

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would say that by such reckless allegation, the life of a young woman has been spoiled.

4. It is seen that the first respondent is the petitioner in the D.O.P. and not the Revision petitioner herein. If the Revision petitioner has filed D.O.P. against her husband alleging that he is leading an adulterous life with the second respondent, she will have to be made as co-respondent. This is the mandate of law. But then, it is the first respondent who filed D.O.P. in this case, and not the Revision petitioner. Therefore, impleading the second respondent at the instance of the Revision petitioner does not arise. The Court below was perfectly justified in dismissing the said Interlocutory application.

5. The Civil Revision petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1. The Principal District Judge,
   Tuticorin.

2. The Record Keeper, V.R.Section,
   Madurai Bench of Madras High Court, Madurai.(2 Copies)

+ 1 CC TO MR.H.ARUMUGAM, ADVOCATE IN SR NO.85576
+ 1 CC TO MR.T.A.EBENEZER, ADVOCATE IN SR NO.85424

PMU
BU/SKN/SAR-III:12.11.2018 : 2P/6C

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