

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.02.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.R.P.(PD).No.545 of 2019
and
C.M.P.No.3605 of 2019

R.Radhika

...

Petitioner

-vs-

G. Ramesh Babu

...

Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal orders passed in I.A.No.13 of 2019 in H.M.O.P.No.254 of 2013 dated 05.02.2019 on the file of the learned Subordinate Judge, Tambaram.

For Petitioner : M/S.M.Vijayakumar
For Respondent : M/S.J.Saravana Vel

सत्यमेव जयते

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned Subordinate Judge, Tambaram in I.A.No.13 of 2019 in HMOP.No.254 of 2013 whereby, the learned Judge had dismissed the petition filed by the wife/revision petitioner to amend the counter filed in HMOP.No.254 of 2013 by

deleting the entire paragraph No.18, which was the counter claim. In the affidavit filed in support of the petition, she would contend that she was in a disturbed mood and later when she was in calm state of mind, she had thought over her action and she was also concerned about the future of the child therefore she sought for deletion of paragraph No.18 of her counter. She does not seek to make an amendment with reference to either the cause of action or the subject matter or the defence which remains the same.

3.A perusal of the order passed by the learned Judge would disclose that the trial court has not taken into account the fact that the lis between the parties is only a family dispute and the application was filed seeking reunion. Therefore, the rejection of application by the trial Court is unsustainable and the order is therefore set aside and the amendment sought for in I.A.No.13 of 2019 in HMOP.No.254 of 2013 with reference to the deletion of Paragraph No.18 as detailed herein below stands allowed:

"The Petitioner states that for no rhyme or reason the Respondent used to quarrel with Petitioner at the instigation of the Respondent parents. The Petitioner states that considering welfare of the both the parties it is the Petitioner felt that the marriage between both only impair the professional growth of the Petitioner

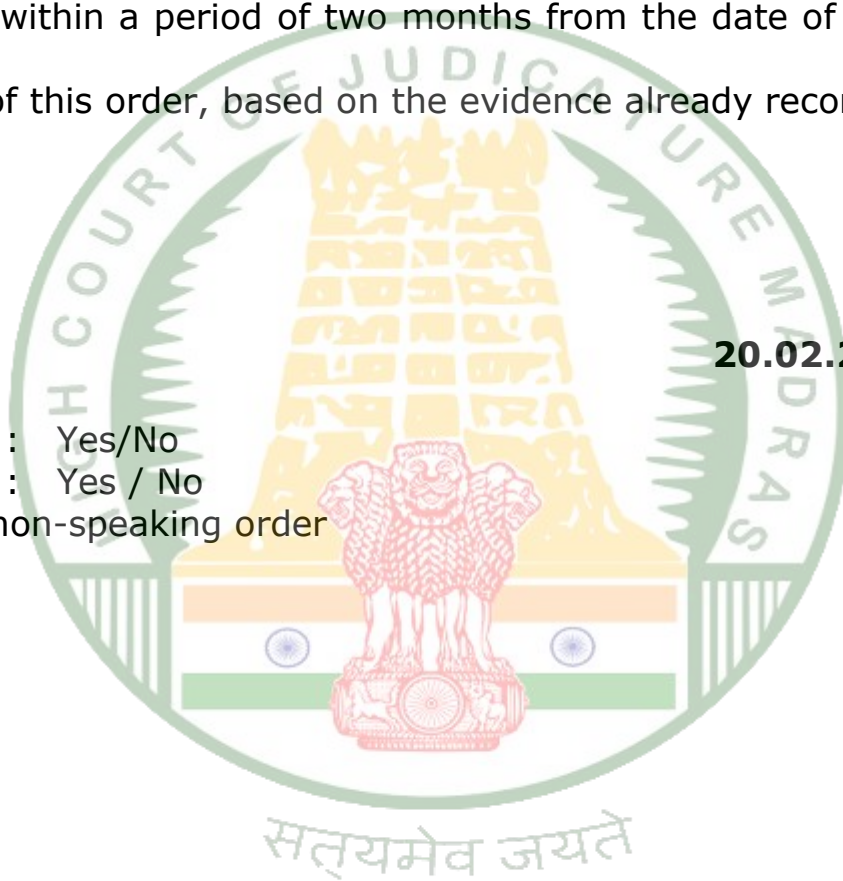
and Respondent and decided to the dissolve the marriage by filling the petition."

4.In the result, this Civil Revision Petition is allowed. The learned Subordinate Judge, Tambaram is directed to dispose of the HMOP within a period of two months from the date of receipt of a copy of this order, based on the evidence already recorded.

20.02.2019

Index : Yes/No
Internet : Yes / No
Speaking/non-speaking order

jrs

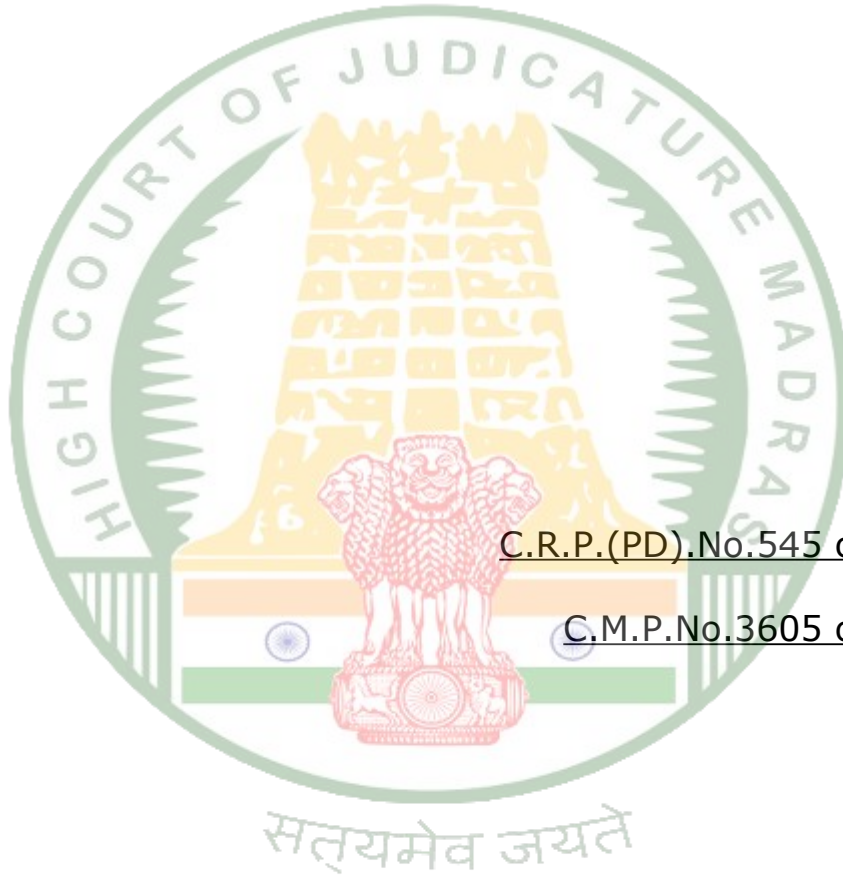


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P.T.ASHA, J.

jrs

To
The Subordinate Judge,
Tambaram



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