

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.585 of 2020
and
C.M.P.No.3041 of 2020

R.Rajaguru

.. Petitioner

Vs.

1. R.Bhuvaneswari
2. A.Prabhakaran

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decree order dated 03.01.2020, in I.A.No.1 of 2019 in O.S.No.194 of 2015, on the file of the learned VI Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr.G.V.Sridharan

O R D E R

Present revision has been filed against the order dismissing the petitioner's application filed under Order I, Rule 10(2) of C.P.C. to implead one Mr.A.Prabhakaran, the second respondent herein as a party defendant in the main suit.

2. The petitioner is the husband of the first respondent. Earlier, the first defendant/wife filed a suit to declare the Certificate of Marriage dated 31.07.2013, registered on the file of the Registrar of Marriage, Royapuram vide Registration No.1665 of 2013 registering the alleged marriage between the first respondent/wife and petitioner/husband as null and void.

3. During trial, the first respondent/wife filed a proof affidavit making some allegations against the second respondent Mr.Prabhakaran. In the above circumstances, based on the above proof affidavit filed by the first respondent/wife the petitioner/husband came up with an application to implead the second respondent herein as party defendant in the suit. The trial Court dismissed the said application. Challenging the same the present revision has been filed.

4. The suit was filed by the first respondent/wife to declare the marriage certificate as null and void. In the said suit, she filed a proof affidavit making some allegations against one Mr.Prabhakaran and it is for her to establish the same during trial. The petitioner being a defendant in the suit, it is not his botheration as it is for the first respondent/plaintiff to prove the same. The trial Court considering all the above aspects dismissed the application. I do not find any illegality or irregularity in the same as the trial Court has rightly dismissed the said application. There is no merit in the revision and the same is liable to be dismissed.

5. In the result, the civil revision petition is dismissed and the order of the Court below, impugned in this revision is hereby confirmed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk

To

The VI Additional Principal Judge,
Family Court, Chennai.

+1cc to Mr.G.V.Sridharan, Advocate, Sr.No.11729

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KS (CO)
GS (17/07/2020)