

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[ORDERS RESERVED ON : 09.11.2020]

[ORDERS PRONOUNCED ON : 20.11.2020]

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP (PD).No.1981 of 2020

and

C.M.P.No.12310 of 2020

Roopiya

... Petitioner

.. Vs ..

Rajiv Chandar

... Respondent

PRAYER: Petition filed under Section 227 of Constitution of India, praying to set aside the Fair and Decretal order dated 03.03.2020 made in I.A.No.1 of 2019 in I.D.O.P.No.70 of 2019 on the file of the Principal District Judge, Coimbatore.

For Petitioner : Mr.K.Balasubramaniam

ORDER

The wife is the Revision Petitioner herein.

2. The petitioner/husband has filed I.A.No.1 of 2019 in I.D.O.P.No.70 of 2019 before the Principal District Sessions Court, Coimbatore for restitution of marriage.

3. The respondent/husband has filed a counter statement.

4. Pending the trial, the petitioner/husband has filed I.A.No.1 of 2019 under Order 6 Rule 17 of C.P.C., for amendment of pleadings and the cause title and the said application was allowed and hence, this Civil Revision Petition.

5. Heard the learned counsel for the petitioner.

6. The learned counsel for the petitioner has contended that before filing an application under Order 1 Rule 10 (2) of C.P.C, the respondent/wife herein has filed an application under Order 6 Rule 17

C.P.C for amendment of pleadings and the cause title and further stated that the additional averment now sought to be made cannot be proved. Since Whatsapp communication cannot be produced before the Court and hence, seeks to set aside the order passed by the District Court.

7. On perusal of the records and on hearing the learned counsel for the petitioner, the main I.D.O.P.No.70 of 2019 has been filed for divorce on the ground of cruelty. Pending trial, the present I.A was filed for amendment of pleadings wherein the respondent herein the husband has alleged that the petitioner/wife is having some illegal connection with the Headmaster of the School, where, she is working and both of them are entered into Whatsapp around 11.00 p.m every night and chatting with each other even after crossing of midnight and hence, he wanted to amend the pleadings and also include the name of her Headmaster as a second respondent, namely, co-respondent in the matrimonial proceedings. That challenged before this Court.

8. After perusing the main petition and the counter affidavit and also taking note of the averment which is averred by the respondent and the averment that the petitioner wife herein alleged to have entertained in the Whatsapp chatting from 11.00 p.m and even after 12.00 midnight.

9. Based upon such averment, he wanted to amend the cause title, to implead her Headmaster as a co-respondent and as such I do not find any error or illegality in the order passed by the District Court.

10. In view of the averment made in the amended petition, the Headmaster is a necessary party for adjudication and therefore he has been rightly arrayed as a co-respondent and hence I find that the order passed by the trial Court does not suffer from any irregularity or illegality warranting interference by exercising this jurisdiction.

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11. In this view of the matter, this Civil Revision Petition is dismissed and the order passed by the Courts below are hereby confirmed. No costs. Consequently, connected C.M.P is closed.

20.11.2020

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Speaking Order: Yes

Internet: Yes/No

To

The Principal District Judge, Coimbatore.

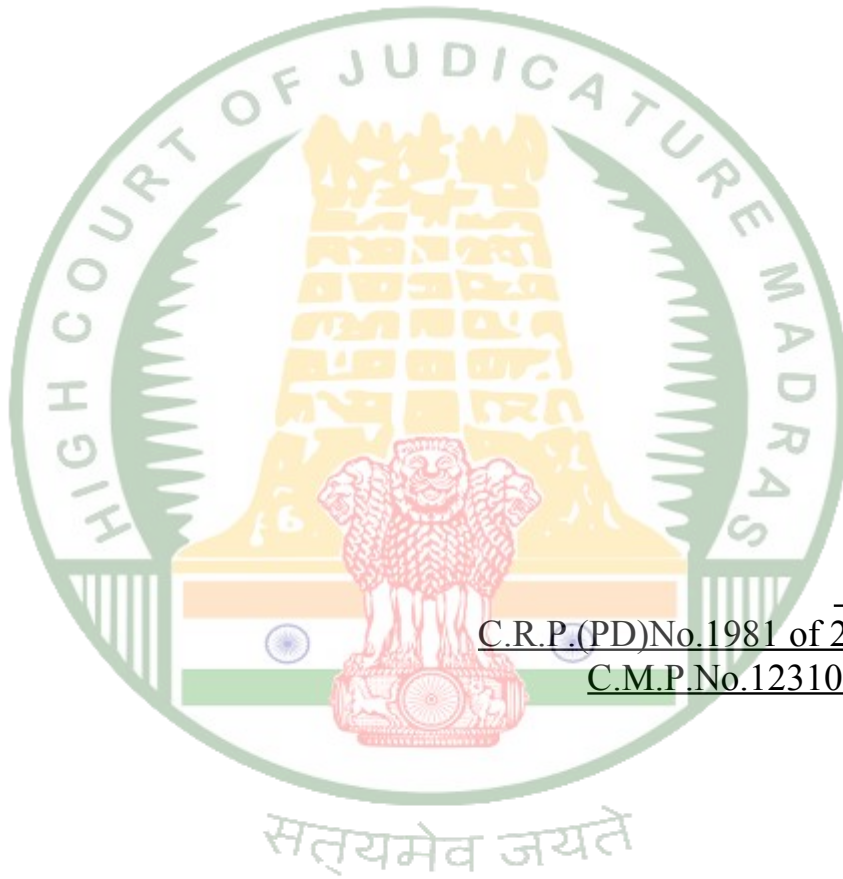


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RMT.TEEKAA RAMAN,J.,

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Order in
C.R.P.(PD)No.1981 of 2020 and
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20.11.2020