

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.423 of 2018

and

CMP.No.2265 of 2018

K.Jotheeswaran

..Petitioner

Vs.

R.Lakshmi

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order passed by the learned Principal Subordinate Judge, Vellore in IA.No.78 of 2015 in HMOP.No.75 of 2015 dated 10.10.2017.

For Petitioner : Mr.S.Raja Ravi Varma

For Respondent : Mr.R.Sugumaran

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ORDER

This civil revision petition is filed against the order passed by the learned Principal Subordinate Judge, Vellore in IA.No.78

of 2015 in HMOP.No.75 of 2015 dated 10.10.2017, thereby dismissing the petition for seeking amendment in the divorce petition.

2. The petitioner is the husband and the respondent is the wife. The petitioner filed petition for divorce on the ground of desertion and cruelty. While pending the divorce petition, the petitioner filed petition, seeking amendment of the prayer to declare the marriage between the petitioner and the respondent is null and void, under Section 12 of Hindu Marriage Act.

3. On perusal of the affidavit filed in support of the petition revealed that the petitioner came to knowledge about the respondent's first marriage with one, Saravanan held on 10.06.1995 at Sri Rathinagiri Balamurugan Temple, Rathinagiri, Vellore District. Therefore, he filed petition for amendment to amend the prayer for declaration declaring that the marriage between the petitioner and the respondent is null and void under Section 12 of Hindu Marriage Act. The court below rightly dismissed the petition for the reason that the amendment sought for by the petitioner is a new prayer with new set of facts. Therefore, it would change the entire nature of the divorce petition, which was already filed on the ground of cruelty and desertion. As such, this Court finds no irregularity or infirmity in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. However, considering that the HMOP is of the year 2015, the court below is directed to complete the trial within a period of nine months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

15.04.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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G.K.ILANTHIRAIYAN,J.

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To

The Principal Subordinate Judge,
Vellore



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