



C.R.P(PD).No.1049 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P(PD).No.1049 of 2022

and

C.M.P.No.5382 of 2022

D.Ravichandran

... Petitioner

Vs

J.C.Rekha

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order passed by the Hon'ble III Additional Principal Family Court, Chennai in I.A.No.1 of 2021 in O.P.No.2442 of 2019 dated 25.10.2021 and permit the petitioner to amend the provision.

For Petitioner : Mr.S.Ambal Vannan



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ORDER

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This Civil Revision Petition has been preferred challenging the order passed by the III Additional Principal Family Court, Chennai in I.A.No.1 of 2021 in O.P.No.2442 of 2019 dated 25.10.2021 and permit the petitioner to amend the provision.

2. The petitioner/husband has filed a petition in O.P.No.2442 of 2019 for dissolution of marriage on the ground of cruelty alone; subsequently, the husband filed I.A.No.1 of 2021 for amending the ground of “desertion” also; the said petition was dismissed; aggrieved over that, the revision petitioner has filed this Civil Revision Petition.

3. Learned counsel for the petitioner submitted that in O.P.No.2442 of 2019 filed by the revision petitioner, he has pleaded that he was thrown out of the house and hence, the ground for desertion is also included in the petition.

4. On perusal of the amendment petition filed by the revision petitioner,



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there is no particulars of amendment. The learned trial Judge has observed that without amending the pleadings and without giving any reasons for the ground of desertion, the prayer of the revision petitioner cannot be considered. In order to raise the ground of desertion, it should be specifically pleaded from which date the desertion starts and whether the period of desertion is long enough in terms of the ground of desertion as contemplated under Section 13(1)(1b) of the Hindu Marriage Act.

5. It is stated by the learned counsel for the petitioner that the provision alone is sufficient for including the ground of desertion. The ground has to be proved before the Court by exhaustive evidence and for that there should be some basic pleadings. In the absence of such pleading, the inclusion of the ground by way of amending provision alone is not possible. The learned trial Judge has rightly dealt with the issue and I do not find any reason for interference.

R.N.MANJULA,J.



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6. In the result, this Civil Revision Petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes

Internet : Yes

Speaking Order

To

1. The III Additional Principal Family Court,
Chennai.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

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