



C.R.P. No. 4105 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4105 of 2022
and
C.M.P. No. 21315 of 2022

Ashok Devi

... Petitioner

Vs

1.C.Senthil Kumar
2.R.Thangaraj

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order dated 10.08.2022 in I.A.No.1 of 2019 in HMOP.No.185 of 2018 on the file of the II Additional Subordinate Court, Coimbatore.

For Petitioner : Mr.A.Suresh

For Respondent : Mr.K.Myilsamy for R1



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ORDER

The petitioner has preferred this revision against the order passed by the learned II Additional Subordinate Court, Coimbatore, in I.A.No.1/2019 in H.M.O.P.No.185/2018, dated 10.08.2022.

2. The revision petitioner herein is the wife of the first respondent, who got married on 01.06.2017. Due to the misunderstanding, they got separated from the year 2018. Thereafter, the first respondent / husband came to know that the petitioner had already got married with one Thangaraj / the second respondent herein and the same was suppressed in the year 2014 and a proper divorce was not obtained. Hence, he filed praying to declare the marriage between him and the first respondent as null and void in H.M.O.P.No.185/2018 filed before the learned II Additional Subordinate Court, Coimbatore. In the divorce petition, the revision petitioner is shown as the first respondent and her former husband is shown as the second respondent. During the pendency of the petition, she filed I.A.No.01/2019 and prayed for interim maintenance and claimed monthly



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maintenance of Rs.15,000/-. The said application was objected by the 1st respondent herein stating that she has been working in Appollo Distributor point in Singanallur since 2017 and earning the income. She suppressed the earlier marriage and challenged the validity of the marriage by filing D.V.A.No.3 /2016 before the learned Judicial Magistrate No.1, Udumalpet. On hearing both sides the learned Trial Judge dismissed the said applications, stating that she is having source of income and also suppressed about the pendency of the divorce proceedings with the former husband'.

3. Heard Mr.A.Suresh, learned counsel for the petitioner and Mr.K.Myilsamy on behalf of the first respondent.

4. A perusal of the records, would reveal that the revision petitioner married the first respondent in the year 2017 and the said marriage was not dissolved, and the DVA No.3 of 2016 is also pending before the learned Judicial Magistrate No.1, Udumalpet, and also she filed a petition under Section 24 of the Hindu Marriage Act for maintenance pendente lite and



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expenses of proceedings and claimed a share in the property. Therefore, the learned trial Judge dismissed the petition as devoid of merits, and the finding of the trial court is sustainable in law, which needs no interference.

5. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

20.03.2023

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order

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To

The II Additional Subordinate Court,
Coimbatore.



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T.V.THAMILSELVI, J.

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