



C.R.P(MD).No.1702 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 28.02.2024**

**CORAM :**

**THE HONOURABLE Mr. JUSTICE G.ILANGO VAN**

**C.R.P(MD)No.1702 of 2023**

**and**

**C.M.P(MD)No.8514 of 2023**

Barakathnisha

... Petitioner / Petitioner / Defendant

Vs

Mohammed Mothersha

... Respondent / Respondent / Plaintiff

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 23.02.2023 passed in I.A.No.05 of 2022 in O.S.No.16 of 2021 on the file of the Court of Family Judge, Dindigul.

For Petitioner : Mr.K.Mahendran

For Respondent : No appearance



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## **ORDER**

This Civil Revision Petition is filed to set aside the order dated 23.02.2023 passed in I.A.No.05 of 2022 in O.S.No.16 of 2021 on the file of the learned Judge, Family Court, Dindigul.

2. The case of the petitioner is that a suit in O.S.No.16 of 2021 was filed by the husband seeking the relief of declaration that Thalak pronounced is valid. In the written statement, the petitioner herein made some sort of allegations against the husband. After the commencement of the trial, she wants to withdraw the allegations mentioned in the written statement, since her aim was to restore the matrimonial life with the plaintiff / husband. On that account only she filed the petition for amendment. Apart from that, her idea is to withdraw the allegations against the third party, since allegations if allowed to be on record, then the life of the third party will also be affected. Only for the genuine reason, the petition for amendment was filed by the petitioner herein.



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3. After commencement of the trial process, no such amendment can be permitted, is the order of the learned Judge, Family Court, Madurai. Eventhough, it has been stated by the petitioner in the petition that the learned counsel on record obtained her signature in the written statement without even permitting her to read, that allegation may not be correct and the same cannot be taken into account.

4. However, considering the statement made by the learned counsel on record before this Court, this Court is of the considered view that in the interest of the parties and also in the interest of the third party, the above said allegations required to be withdrawn from the written statement. On the sole ground, the amendment application filed by the petitioner is liable to be allowed and the order dated 23.02.2023 passed in I.A.No.05 of 2022 in O.S.No.16 of 2021 by the learned Judge, Family Court, Dindigul, is set aside. Let the trial process be completed within a period of three months from the date of receipt of a copy of this order, after carrying out the amendment.



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5. With the above direction, this Civil Revision Petition is allowed.

No costs. Consequently, connected miscellaneous petition stands closed.

**28.02.2024**

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

Note: Issue order copy on **29.02.2024**

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To

1.The learned Judge, Family Court, Dindigul.

2.The Record Keeper, Vernacular Records,  
Madurai Bench of Madras High Court, Madurai.



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**G.ILANGOVA, J.**

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ORDER  
IN  
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**and**  
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**28.02.2024**