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Civil Revision Petition No. 408 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.PD.No. 408 of 2025
and C.M.P.No.2536 of 2025

R.Giridharan

... Petitioner

Vs

1. T.S.Arthi
2. Banupriya

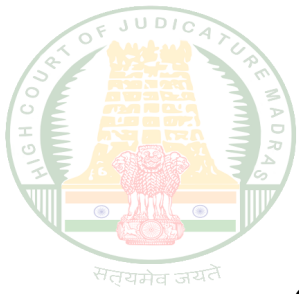
... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 29.10.2024 passed in I.A.No.7 of 2024 in H.M.O.P.No.357 of 2023 on the file of the Family Court, Salem and consequentially direct the said Court to dissolve the marriage between the petitioner and the 1st respondent solemnized on 07.06.2012 by granting a decree of divorce.

For Petitioner: Mr.Venkataraman
for M/s,Tatva Legal Chennai

For Respondent-1: Mr.K.Muthu

For Respondent-2 : Mr.V.Sekar



ORDER

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Challenging the order passed by the Family Court, Salem in I.A.No.7 of 2024 in H.M.O.P.No.357 of 2023, the 1st respondent / husband is before this Court.

2. The said I.A was filed by the 1st respondent herein/the wife to implead the 2nd respondent herein in the divorce petition. In order to appreciate the order passed in the above Interlocutory application, it is necessary to briefly touch upon the facts that has culminated in the filing of the above C.R.P.

3. The 1st respondent herein, who is the legally wedded wife of the petitioner herein, has filed H.M.O.P.No.357 of 2023 on the file of the Family Court, Salem seeking to dissolve the marriage solemnized between her and the revision petitioner herein on 07.06.2012 at Guruvayur. It is her case that she and the revision petitioner had got married on 07.06.2012 and out of the wedlock, their 9 year old son, Gurubaran was born. It is her case that the revision petitioner is a native of Coimbatore and engaged in a real estate business. The 1st respondent was a dutiful house wife who was



taking care of her mother-in-law, the house and her family. At the time of her marriage, she had been given 300 sovereigns of gold coins and jewels and cash of nearly 1.2 crores. That apart, a car was also given as sridhana on the demand of the revision petitioner and his mother. For the first 6 years, the marital life was very happy and thereafter, there was a sea change in the behaviour of the revision petitioner and over a period of time, there was no affection on his part. On 02.02.2020, the 1st respondent came to learn about the illegal intimacy that the revision petitioner had with the 2nd respondent, who was a married women, running a Spa in Coimbatore.

4. It is the case of the 1st respondent that she had immediately brought the fact to the notice of her parents as well as her mother-in-law on 05.02.2020. Her parents had enquired about this fact with the revision petitioner and his mother. However, the revision petitioner had given a reply that the 2nd respondent wanted to grab the revision petitioner's money and was therefore spreading false information in public. She was thereafter informed that the revision petitioner and his family had reached a peaceful resolution of the problem with the 2nd respondent. The 1st



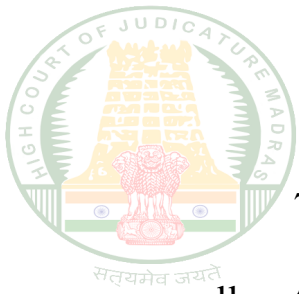
respondent believed these words and continued to live with the revision petitioner and on 10.06.2020, she had left for Coimbatore. However, to her shock, she came to learn that contrary to what she had been told, the revision petitioner was continuing to live with the 2nd respondent and not only that, but he had married her and through this marriage, he had a 2 year old son. With a great difficulty, the 1st respondent had obtained a evidence for the above and she also came to know that her mother-in-law Jothimani was in active collusion with the revision petitioner. The 1st respondent had come to learn that a baby boy was born to them on 28.02.2020 at Shiva Hospital in Coimbatore. The child had also been admitted into School and the father's name is that of the revision petitioner. The birth certificate of the child also shows the revision petitioner as his father. She also came to learn that the revision petitioner would visit the 2nd respondent at her residence at Krishna Garden near Navakarai.

5. The 1st respondent further contended that this extra marital relationship and the presence of the 2nd respondent and her child was known to all including the revision petitioner's staff. When the 1st respondent had confronted the revision petitioner with this information he



reluctantly admitted the same and also informed her that things would continue as it is and he had no intention to change his stand or living with the 2nd respondent. He had also threatened the 1st respondent that if she proceeds legally against him, he would ensure that the matter is prolonged. The 1st respondent also came to learn that there were several legal proceedings between the revision petitioner and the 2nd respondent details of which was still not available with her. The 1st respondent would submit that thereafter she suffered both mentally and physically at the hands of the revision petitioner and his mother. The revision petitioner and his mother were compelling the 1st respondent to leave the matrimonial home. In view of this illicit relationship, the 1st respondent had no other choice except to leave her matrimonial home. In fact, it was a threat of the revision petitioner and his mother on 20.10.2022 that had forced the 1st respondent and her son to move out of the matrimonial home and take shelter in her parents house at Salem. Therefore, she filed a petition for divorce.

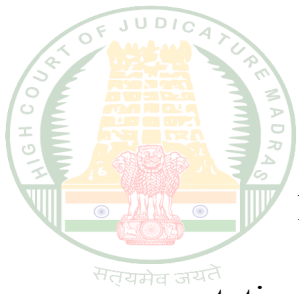
6. Though the averments in the petition pleaded a case of adultery, however, the petition for divorce has been filed on the ground of cruelty.



7. A counter was filed by the revision petitioner denying the allegations of cruelty and adultery raised against him. He would further submit that he had decided to give his "No objection" for the grant of decree for divorce stating *"I do not want my wife any more to languish before the Court for the sake of matrimonial case"* and he had also undertaken to provide a substantial financial security to them.

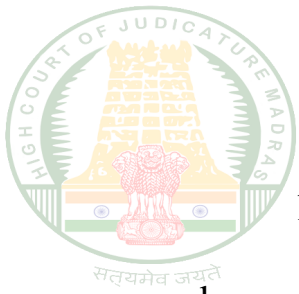
8. The 1st respondent had filed I.A.1 of 2023 seeking an interim maintenance of a sum of Rs.2,00,000/- for herself and her son. The revision petitioner had a filed a counter stating that he was ready and willing to pay the monthly maintenance of Rs.1,50,000/- to his wife and Rs.50,000/- to their son as interim maintenance. However, there is nothing to indicate that the amounts are paid.

9. While so, the 1st respondent had filed I.A.No.7 of 2024 stating that, by inadvertence, she had omitted to include the name of Banupriya as the 2nd respondent in H.M.O.P since the entire pleading is that the revision petitioner was in the illicit relationship with the 2nd respondent and had also contracted an illegal marriage with her.



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10. The revision petitioner, on the other hand, had filed a counter stating that the main petition had been filed without impleading the proposed parties since she has no connection whatsoever with the revision petitioner and that is the reason why the 1st respondent had chosen to refer to her as Banupriya and not as a party. The revision petitioner would further submit that the 1st respondent was keen on getting a hefty amount as permanent alimony from the revision petitioner and in order to succeed in this attempt, she is trying to bring in the proposed party, the 2nd respondent herein who is also an "Extortion specialist" and who used to indulge in several intimidatory tactics to extract money from him. He further submit that he had provided a substantial asset to the 1st respondent for dignified livelihood and has also been providing periodical monthly maintenance. He had also proceeded to deny the various allegations that has been set out by the 1st respondent as well. He would submit that there are several proceedings pending against him and the 2nd respondent in various Courts in Coimbatore. He would also submit that the 2nd respondent is neither a necessary nor proper parties to the proceedings.

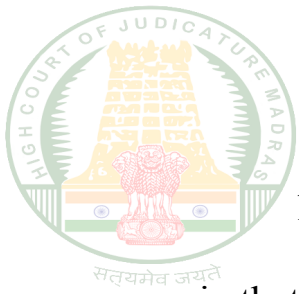


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11. After perusing the pleadings and hearing the arguments, the learned Family Judge, Salem by order dated 29.10.2024 was pleased to implead the 2nd respondent herein as the 2nd respondent in H.M.O.P. This order is now sought to be challenged by the revision petitioner.

12. When the matter had come for admission on 07.02.2025, this Court had directed notice and granted an interim stay and the same was extended periodically. This Court, considering the nature of the dispute between the parties, had suggested that the parties namely, the revision petitioner and 1st respondent appear before this Court on 28.03.2025 at 5.00 pm in the Chambers. As directed by this Court, the parties had also appeared. Despite discussions with the parties separately and jointly, no workable solution could be reached. This Court had also suggested that the parties appear for mediation before the Court at Salem. However, the suggestion was turned down by the revision petitioner.

13. Heard the learned counsels on either side and perused the materials available on record.



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14. The only point that has been canvassed by the revision petitioner is that the 2nd respondent is neither a necessary nor a proper party to the proceedings. That apart, he had contended that there are several litigations pending between the revision petitioner and the 2nd respondent which has nothing to do with the divorce petition now filed by the wife. However, this Court is not inclined to accept the said argument in view of the fact that the entire pleading in the petition for divorce filed by the 1st respondent revolves around the alleged illicit relationship between the revision petitioner and the 2nd respondent and the fact that a child has been born out of this illicit relationship. Further, the 1st respondent has stated that the birth certificate of the child and the school admission records would describe the revision petitioner as the father of the 2nd respondent's son. The averments in the original petition also goes on to state that the revision petitioner has contracted an illegal marriage with the 2nd respondent and out of this illegal marriage, the son has been born. Therefore, since the entire pleadings in the H.M.O.P is with reference to this illicit relationship and how the illicit relationship constitutes cruelty that has been committed upon the petitioner, the presence of the 2nd respondent is very much essential to arrive at a decision as to whether the



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revision petitioner and the 2nd respondent have an illicit relationship.

Therefore, the order passed by the learned Family Judge impleading the

2nd respondent as a party to the proceedings cannot be found fault with it.

Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

08.04.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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To,

The Family Court, Salem



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P.T.ASHA, J.,

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