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CRP.No.4191 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4191 of 2025

C. Suresh

... Petitioner / Petitioner /
Petitioner

Versus

Roshini

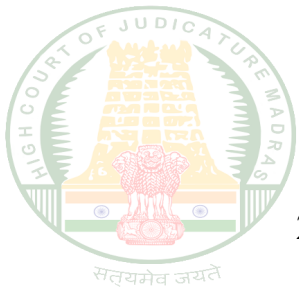
... Respondent / Respondent /
Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 06.12.2024 passed in I.A.No.4 of 2024 in O.P.No.153 of 2022 on the file of the learned Family Court Krishnagiri.

For Petitioner : Mr.M.Sarath Kumar

ORDER

The revision petitioner / husband has filed an application under Section 13(1), (i-a) Hindu Marriage Act, in F.C.H.M.O.P.No.153 of 2024 on the file of the Family Court, Krishnagiri.



2. During the trial, the revision petitioner / husband has filed an application in I.A.No.4 of 2024 in O.P.No.153 of 2022 under order 6 Rule 17 read with section 151 of CPC, seeking to amend the main petition as detailed mentioned therein. The respondent / wife has filed an objection and upon considering the submissions made on either side, the Court below dismissed the application on 06.12.2024. Aggrieved over the same, the revision petitioner / husband preferred the present civil revision petition.

3. The learned counsel appearing for the revision petitioner would submit that the Court below failed to note that the Court at any stage of proceedings can amend the petition, as the said amendment is necessary for determining the real question in controversy between the parties.

4. It is seen from the records that the revision petitioner / husband / Suresh has filed an application under Section 13(1), (i-a) of Hindu Marriage Act, seeking a relief of divorce on the ground of cruelty in F.C.H.M.O.P.No.153 of 2022 on the file of the Family Court, Krishnagiri. It is seen that the revision petitioner himself was examined as PW1 and one Saravanan has been examined as PW2 and Ex.P1 to Ex.P5 were marked.



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5. During the pendency of the trial, the revision petitioner / husband has filed an application in I.A.No.04 of 2024 in O.P.No.153 of 2022, under order 6 Rule 17 read with section 151 of CPC, seeking to amend the main petition as detailed mentioned in the affidavit therein.

6. It is well settled that the primary duty of the Court is to see whether the amendment sought for is absolutely necessary to decide the dispute between the parties. In the instant case, the Court below has observed that taking into consideration the nature of amendment, the revision petitioner / husband wants to amend by adding certain paragraphs namely 3 therein narrating the allegations of cruelty and already the pleadings contain such allegations and the respondent / wife had filed a counter. Furthermore, the revision petitioner / husband examined himself as PW1 and one witness was also examined as PW2.

7. In such circumstances, the respondent / wife has a valid defence and that the nature of cause of action also varies to a certain decree, though the nature of allegations being cruelty, the same cannot be permitted to be added



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after the commencement of the trial. The Court below has rightly come to conclusion that though the Court is expected to have a liberal approach, while considering the application filed for amendment, the Court is also duty bound to bear in mind the fact that the opposite party would have a chance to meet the case set up by way of amendment. The conclusion was reached by the court below that if the amendment is to be allowed during the trial, the some prejudiced would be caused to the respondent.

8. In view of the above, there is no reason to interfere in the order passed in I.A.No.4 of 2024 in O.P.No.153 of 2022 dated 06.12.2024 on the file of the Family Court Krishnagiri.

9. Accordingly, this Civil Revision petition is dismissed. No costs.

04.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No



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To

The learned Family Court Krishnagiri.



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M. JOTHIRAMAN, J.

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