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CRP(PD).No.626 & 627 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).Nos.626 & 627 of 2025

and

CMP.No.3552 & 3556 of 2025

Ritesh Kumar Agarwal

... Petitioner in both CRPs

Vs.

Arthi Agarwal

... Respondent in both CRPs

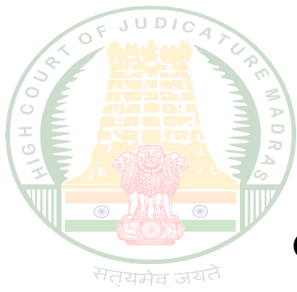
Prayer in CRP.No. 626 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decree in IA.No.10/2024 in main OP.No.210 of 2022 dated 19.12.2024 on the file of Learned I Additional Family Court, Chennai.

Prayer in CRP.No.627 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decree in IA.No.11/2024 in main OP.No.210 of 2022 dated 19.12.2024 on the file of Learned I Additional Family Court, Chennai.

For Petitioner : M/s.Adithiyan Viswanathan

For Respondent : M/s.A.K.Sriram, Senior Counsel

COMMON ORDER



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Challenging the order passed by the learned I Additional Family Court, Chennai in I.A.Nos.10 of 2024 and 11 of 2024 in OP.No.210 of 2022, the petitioner/husband is before this Court.

2. I.A.No.10 of 2024 has been filed to reopen the respondent side evidence and I.A.No.11 of 2024 has been filed to summon the petition mentioned persons to appear and give their evidence before this Court.

3. The facts are set out hereinbelow:-

4. The respondent herein who is the wife had filed OP.No.210 of 2022 on the file of the II Additional Family Court Chennai, seeking divorce on the ground of cruelty. The respondent/wife had set out in detail the hardships that she had faced at the hands of the petitioner and his parents during her stay at her matrimonial home. Various instances have been set out in the petition which this Court does not wish to traverse through.

5. The respondent/wife would submit that the petitioner/husband had two faces, one in public and one in private. While in public, he would display affection towards her, whereas in private, he was abusive. She had



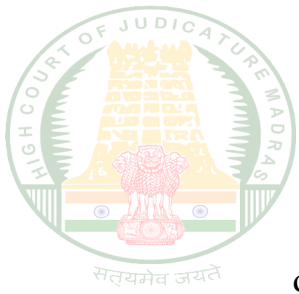
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also faced the pressure from the parents of the petitioner to deliver a male child and she was forced to undergo prenatal sex determination scan to identify the gender of the child every time she conceived and on coming to know that the baby in the womb was a girl was forced to abort the baby.

6. The respondent would submit that finally, on account of the cruelty which she had suffered for over 23 years, she had decided to part ways with her husband the petitioner herein and she had left along with her children. The son has attained majority and is studying in college. The daughter who is a minor is aged 16 years and studies at a school in Hyderabad.

7. The respondent would submit that during her stay with the petitioner, she was asked to sign several documents, blank forms which as a dutiful wife, she had done. That apart, she has left behind her documents and jewellery at the petitioner's house. Therefore, she has come forward with the petition to dissolve the marriage between herself and the petitioner/husband.

8. The petitioner/husband had filed a counter denying the allegations contained in the plaint.



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9. When the matter was posted for arguments, the petitioner has come forward with the present applications to reopen the respondent's side evidence and to summon the petition mentioned persons to give evidence.

10. In the affidavit filed in support of these applications, the petitioner would submit that in order to elicit further facts with reference to the conduct and behaviour of the respondent/wife, the petition mentioned witnesses are required. That apart, he would submit that his counsel had inadvertently closed his evidence without instructions.

11. The respondent/wife had filed a counter stating that the applications are nothing but an attempt to protract the main proceedings. She would further submit that in his affidavit, the petitioner/husband has not given any reason to reopen the respondent side evidence and to summons the petition mentioned persons to adduce evidence before this Court. The witnesses are in no way involved in the issues between the husband and wife. The respondent/wife would submit that both applications are filed in order to fill up the lacuna. Therefore, she sought for the dismissal of these applications.



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12. The learned I Additional Family Court, Chennai, after considering the arguments and perusing the records, passed an order rejecting the applications. Aggrieved by the same, the petitioner/husband is before this Court.

13. Heard the counsels on either side and perused the records.

14. The main OP is one for the dissolution of marriage on account of cruelty. In OP, evidence has been adduced on either side extensively. It is stated that the respondent has marked about 95 documents in support of his case. The allegation that the counsel had closed the evidence without instruction is prima facie erroneous, as it was the petitioner himself who had closed his evidence on 19.04.2024, endorsing that there was no further evidence on his side. That apart, there is no necessity to examine the proposed witnesses, as they are in no way connected to the matter and are not relevant for considering the main OP. The witnesses who are sought to be summoned are all relatives and are also aged persons as to how these witnesses would assist the petitioner to prove his case has not been stated and since some of them are close relatives of the petitioner herein there is every chance of them adducing evidence deliberately in favour of the petitioner. Further, the instant case is at the stage of arguments and at this



point in time the impugned applications have been moved which is nothing but an afterthought and made with the intent of protracting the proceedings.

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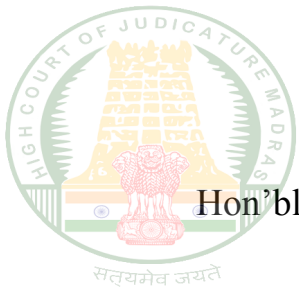
Therefore, the learned I Additional Family Court, Chennai has rightly rejected the applications and I see no reason to interfere with the same.

15. Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

16. This Court, after orders were pronounced, entertained a doubt as to how the Family Court at Chennai has jurisdiction since both the parties are residing outside the State of Tamil Nadu.

17. It is informed that the petitioner/husband had taken out an application before the Hon'ble Supreme Court in Transfer Petition Civil No.2029/2022 for transferring OP.No.210 of 2022 pending on the file of the Family Court at Chennai to the Family Court at Kukatpally Court Complex, Ranga Reddy District, Telangana State.

18. The learned Judges, after considering the material placed before them had rejected the request for transfer. Therefore, the clarification that this Court had asked for has been clarified in this order passed by the



Hon'ble Supreme Court.

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18.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The I Additional Family Court, Chennai.

P.T. ASHA. J.,

(shr)

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