



C.R.P.No.1873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1873 of 2024

Anand Srikumar

... Petitioner

VS.

Selva Vaishali Natchiyar

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 22.03.2024 made in I.A.No.1 of 2022 in H.M.O.P.No.499 of 2017 on the file of Principal Family Court, Coimbatore.

For Petitioner : Mr.S.Mukunth
Senior Counsel
for M/s.Sarvabhauman Associates

For Respondent : Mr.K.Sudhakar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Family Court, Coimbatore closing the application filed by the petitioner/husband seeking to receive subsequent pleadings in the original petition for divorce filed by the respondent/wife.

2. It is not in dispute that the respondent/wife filed a petition seeking



divorce on the ground of cruelty. Initially, the petitioner/husband filed counter statement and resisted the same. After elapse of five years, the petitioner/husband filed subsequent pleadings under Order VIII Rule 9 of Civil Procedure Code submitting to decree, wherein he averred as follows:-

“The respondent herein humbly begs to submit that he had earlier filed a detailed counter statement to the divorce application filed by his spouse, explaining his perspective on all the allegations that she had raised. Unfortunately, even after this, he has not seen any remorse or change in his spouse's behaviour and so the respondent now recognizes the futility of continuing in an adversarial litigation trying to save a marriage that has become unsalvageable.

The respondent is therefore constrained to file this subsequent pleading submitting to a decree of divorce, and prays that this Hon'ble Court may be pleased to accept the same and grant a decree of divorce prayed for by the petitioner and thus render justice.”

3. The instant application in I.A.No.1 of 2022 has been filed to



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receive the above said subsequent pleading filed by the petitioner/husband.

The present application has been resisted by the respondent/wife on the ground that she decided to withdraw the main original petition and hence, the present application was not at all maintainable. Thereafter, the petitioner filed an application in I.A.No.3 of 2023 under Section 23A of the Hindu Marriage Act, 1955 raising counter claim and prayed for decree for divorce on the ground of cruelty. The said application was allowed by an order dated 22.01.2024 by the Principal Family Court, Coimbatore. Therefore, the counter claim filed by the petitioner/husband is ordered to be received.

4. Since the counter claim filed by the petitioner is ordered to be received, the learned Presiding Officer of Principal Family Court, Coimbatore thought it fit to close the application in I.A.No.1 of 2022 filed by the petitioner/husband seeking to receive the additional pleadings under which the petitioner wanted to submit to the prayer in the original petition filed by the respondent/wife.

5. Since the petition filed by the petitioner in I.A.No.3 of 2023 to file



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counter claim has been allowed and his counter claim is received, there is no necessity for the petitioner to insist subsequent pleading for submitting to the decree, especially when the respondent/wife wants to withdraw the main original petition. Even assuming the main original petition is permitted to be withdrawn, the petitioner/husband is entitled to continue with his counter claim. Therefore, the impugned order closing the application in I.A.No.1 of 2022 in H.M.O.P.No.499 of 2017, dated 22.03.2024 for reception of subsequent pleading will not cause any prejudice to the petitioner. Accordingly, this Court is not inclined to interfere with the order impugned in this revision.

6. In the result, the Civil Revision Petition stands dismissed. It is open to the petitioner to pursue the counter claim filed by him in the manner known to law. No costs.

05.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

WEB COM The Principal Family Court,
Coimbatore.



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S.SOUNTHAR, J.

dm

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