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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.3752 of 2024
& CMP.No.20418 of 2024

K.V.Kumaresan

... Petitioner

Vs.

1.Yasodha
2.Kanchana

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and final order dated 30.01.2024 made in I.A.No.3 of 2023 in FCOP.No.97 of 2019 on the file of the District Family Court, Namakkal, Namakkal District.

For Petitioner : Mr.S.Lakshmanasamy

For Respondents : No appearance

ORDER

The Civil Revision Petition has been filed to set aside the order dated 30.01.2024 in I.A.No.3 of 2023 in FCOP.No.97 of 2019 on the file of the District Family Court, Namakkal.



2. Heard Mr.S.Lakshmanasamy, learned counsel for the petitioner.

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3.The revision petitioner is the husband, who is facing dissolution of the marriage proceedings under Section 13(1)(i-a) of the Hindu Marriage Act, on the ground of cruelty, which has been initiated by the 1st respondent/wife. Pending the above proceedings, the petitioner has sought to implead the 2nd respondent as alleged adulterer, to the proceedings. The District Family Court, Namakkal, on enquiry, has allowed the application and as against the same, the petitioner/husband is before this Court by way of the above revision.

4.The findings rendered by the District Family Court, Namakkal that the impleading application can be ordered even without the pleadings being amended to incorporate averments / allegations as against the newly impleaded party is clearly unsustainable in the eye of law. The very case on which the respondent/wife came to Court was only alleging cruelty and without there being any pleadings regarding adultery or any reference to the 2nd respondent in the main OP, the proposed party will not add any value to the issues to be decided by the Court on the available pleadings as well as



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oral and documentary evidence to be adduced by the parties. The presence of the 2nd respondent would neither be necessary nor proper to decide the divorce application on the ground of cruelty. Hence, the District Family Court, Namakkal fell in error in ordering impleadment of the 2nd respondent. I am therefore inclined to set aside the order passed by the Trial Court.

5. In view of the above, the Civil Revision Petition is allowed and the order dated 30.01.2024 in I.A.No.3 of 2023 in FCOP.No.97 of 2019 on the file of the District Family Court, Namakkal, is set aside. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

27.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To

The District Family Court, Namakkal.

P.B. BALAJI,J.

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3/4



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