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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2793 of 2025
& CMP.No.15785 of 2025

S.Suresh

... Petitioner

Vs.

C.Megala

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order made in I.A.No.8 of 2025 in HMOP.No.115 of 2019 dated 13.03.2025 on the file of the Sub-Court, Bhavani, as against para No.17(c) of the petition filed under Order VI Rule 17 and 151 of CPC.

For Petitioner : Mr.M.Venkatesh Kumar

For Respondent : Mr.K.A.Vimal Kumar

ORDER

The petitioner/husband has filed the present revision petition, aggrieved by the order passed by the Sub-Court, Bhavani, partly allowing the amendment application by permitting inclusion of paragraph No.17(b) and by refusing amendment of the petition to include paragraph No.17(c) on



the ground that the allegations set out in paragraph No.17 are defamatory and scandalous in nature.

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2.Unfortunately, the Trial Court ought not to have gone into the merits of the amended paragraph that is sought to be included and should have left it open to the parties to establish the truth or falsity of the allegations made therein during the stage of trial.

3.The learned counsel for the respondent would state that the parties have already completed recording of evidence and the case is at the stage of arguments and at that stage, only in order to protract the proceedings, the petitioner has chosen to take out the amendment application, making false and unsustainable allegations. However, having allowed the amendment application partly, the Sub-Court ought not to have rejected the amendment by inclusion of one another paragraph, namely 17(c). The question, whether the allegations made therein are defamatory or scandalous, cannot be tested at the time of considering an amendment application. It is open to the parties, especially the petitioner to establish the averments and allegations which are now sought to be introduced by way of an amendment. Equally,



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by cross-examining effectively, the respondent would also have an opportunity to falsify the said allegations. In light of the above, I am inclined to set aside the order, refusing the amendment insofar as inclusion of paragraph No.17(c) in the main petition.

4.In fine, the Civil Revision Petition is allowed. The order in I.A.No.8 of 2025 in HMOP.No.115 of 2019 dated 13.03.2025 on the file of the Sub-Court, Bhavani is set aside. The Trial Court shall permit the amended pleadings to be completed, within a period of four weeks and any further examination, chief and cross, shall be completed within a period of four weeks thereafter and the suit shall be disposed of, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

09.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To

The Sub-Court, Bhavani.

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P.B. BALAJI,J.

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