



C.R.P.No.289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM :

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.289 of 2025

S.Balamurugan

... Petitioner

Versus

J.Krishnapriya

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 25.04.20254 in HMOP.No.96 of 2023 on the file of the Subordinate Judge, Udumalaipet.

For Petitioner : Mr.M.Sivavarthan

ORDER

Since the order impugned dismissing the original petition as having become infructuous is not based on merits and passed merely on the basis of pendency of the other divorce application, notice to the respondent is dispensed with.



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2. It is the case of the petitioner that the revision petitioner/husband and respondent/wife have filed different petitions seeking divorce, viz., Divorce application filed by the husband is numbered as HMOP.No.486 of 2022 (later renumbered as HMOP.No.96 of 2023), whereas, wife application is numbered as HMOP.No.227 of 2021. Of-course, both the applications were pending in different Courts. Accordingly, wife has moved the transfer application before this Court in Tr.CMP.No.106 of 2023. While allowing the application in transferring the HMOP.No.486 of 2022 from the II Additional Sub Court, Coimbatore to the Sub Court, Udumalpet, this Court directed the said Court to try that petition along with HMOP.No.227 of 2021, in other words, this Court has directed that both the applications should be tried together. However, now, it appears that the learned Sub Judge, Udumalpet has dismissed the application filed by the husband on the ground that it is only a second petition vide the impugned order dated 25.04.2024. Challenging the said order, the present revision.



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3. Considering the fact that the Trial Court has, in fact, had violated the order of this Court and had dismissed the application as infructuous cannot be sustained in the eye of law. This Court is of the view that so many things can be unearthed while deciding the application together. The parties can let in evidences on the basis of pleadings.

4. Such view of the matter, the impugned order is hereby set aside and the Trial Court is directed to try the HMOP.No.486 of 2022 (later renumbered as HMOP.No.96 of 2023) along with HMOP.No.227 of 2021.

5. Accordingly, this revision stands allowed. No costs.

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dhk

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no



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N.SATHISH KUMAR, J.

dhk

To

The Sub Judge
Subordinate Court, Udumalaipet

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