



CRP No.3372 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**CRP No.3372 of 2025
and CMP No.18488 of 2025**

B.Mahendran
S/o.Balakrishnan,
No. 35/60, 3rd Street, N.S.K. Nagar, Arumbakkam,
Chennai 106,
presently B.Mahendran S/o.late.V.Balakrishnan,
No. 242/1, Main Road -3, Mamsapuram Post,
Srivilliputhur Taluk, Virudhunagar District 626 110

Petitioner(s)

Vs

1.M.Ramalakshmi
D/o. Mayandi Devar,
No.199A, 10th Street N.S.K.Nagar, Arumbakkam, Chennai 106

2.Muthusamy
S/o.Not Known
No.199A, 10th Street N.S.K. Nagar, Arumbakkam, Chennai 106

Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the adjudication dated 17.07.2025 passed in H.M.O.P.No.2386 of 2021 on the file of the V Additional Principal Family



CRP No.3372 of 2025

Court, Chennai.

For Petitioner(s): Mr.R.Murugappan

For R1: Mr.K.Balaji

ORDER

Challenging the adjudication dated 17.07.2025 passed in H.M.O.P.No.2386 of 2021 on the file of the V Additional Principal Family Court, Chennai, the revision petitioner/husband has filed the present civil revision petition.

2. The revision petitioner/husband has filed a divorce petition in H.M.O.P.No.2368 of 2021 on the ground of adultery. Subsequently, the petition came to be amended by adding the ground - cruelty. Thereafter, the revision petitioner/husband has taken steps to serve notice to the second respondent. The Court below, *vide* order dated 16.06.2025 issued fresh notice to the second respondent with correct address returnable by 17.07.2025 finally or for orders. On 17.07.2025, the Court below passed the following order:

“Petitioner and R1 present. Notice not taken to R2. Memo filed for



CRP No.3372 of 2025

substituted service on R2 is reported. As notice was not served on to R2 for all these years, this OP as against R2 is dismissed. Additional counter if any for R1 by 23.07.2025. Amount payment sum for 21,000/- is recorded. Payment sum for Rs.21,000/- is made today by way of DD call on 23.07.2025.//IA 6/25 permitted.// Memo// Since SS cannot be ordered on memo. This memo is rejected.”

3. Aggrieved over the same, the present petition has been filed by the revision petitioner/husband.

4. The learned counsel appearing for the revision petitioner/husband would submit that the Court below has committed error in passing the impugned adjudication without appropriate appreciation over the statements made in the memo dated 16.07.2025, wherein, the actual efforts taken by the revision petitioner/husband to find out the correct address of second respondent have been clearly stated. He would further submit that upon the efforts made by the revision petitioner/husband the existing particulars of the second respondent were ascertained and therefore, an opportunity may be provided. Further, he would submit that an application under Order V Rule 20 CPC for taking substituted service has



also been filed before the Court below and the same is pending for adjudication. Meantime, the Court below *vide* order dated 17.07.2025 rejected the memo without considering the application filed by the revision petitioner/husband for substituted service. He would further submit that the dismissal of the case against the second respondent by the Court below is unsustainable in law. The learned counsel seeks leave of this Court to challenge the dismissal order passed as against the second respondent in the manner known to law and also seeks liberty to pursue the petition already filed for substituted service.

5. *Per contra*, the learned counsel appearing for the first respondent/wife would submit that if the revision petitioner/husband is aggrieved by the dismissal order as against the second respondent, he ought to have preferred an appeal. He would further submit that the revision petitioner/husband has not taken appropriate steps to serve notice to the second respondent for more than four years, though he has mentioned the address of the first and second respondents as one and the same.



WEB COPY

6. It is seen from the records that the revision petitioner/husband has originally filed an application for divorce on the ground of adultery and subsequently, amended the prayer by adding the ground cruelty also. It is also seen that in order to serve notice to the second respondent, the revision petitioner/husband has taken steps from the date of filing of the original petition from the year 2021 to 2025. Further, it is seen from the records that the Court below on 16.06.2025 has ordered issuance of fresh notice to the second respondent to correct address by 17.07.2025 finally or for orders. Further, on 17.07.2025, the Court below observed that since notice was not served on the second respondent for all these years, the original petition against the second respondent was dismissed and the Court below further observed that substituted service cannot be ordered on the memo filed by the revision petitioner/husband and rejected the memo.

7. In order to decide the *lis* pending between the parties, an opportunity may be provided to the revision petitioner/husband. However, it is for the revision petitioner/husband to take appropriate steps to serve notice on the second respondent and to challenge the dismissal order as against the second respondent in the manner known to law, as rightly



CRP No.3372 of 2025

pointed out by the learned counsel appearing for the first respondent/wife.

WEB COPY

8. In such view of the matter, this Court does not find any reason to interfere with the adjudication order dated 17.07.2025 passed by the Court below in H.M.O.P.No.2386 of 2021.

Hence, this civil revision petition is dismissed. No costs. Connected C.M.P. is closed.

06-10-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
nsd



CRP No.3372 of 2025

WEB COPY

To

The V Additional Principal Judge,
Family Court,
Chennai.



WEB COPY



CRP No.3372 of 2025

M.JOTHIRAMAN J.

nsd

CRP No. 3372 of 2025



WEB COPY



CRP No.3372 of 2025

06.10.2025