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C.R.P.No.4709 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4709 of 2025

and

C.M.P.Nos.23803 and 23805 of 2025

Mrs.N.Poornima

... Petitioner

Versus

S.Ganapathy @ Ashok

... Respondent

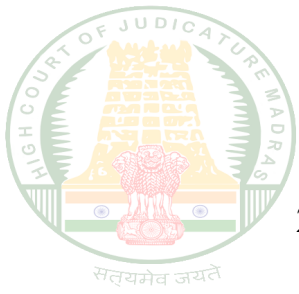
Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 01.08.2025 passed in I.A.No.6 of 2025 in H.M.O.P No.1116 of 2023 on the file of III Additional Judge, Family Court, Chennai.

For Petitioner : Mr.S.Rathnasabapathy

For Respondent : Mr.M.Gowtham

ORDER

The unsuccessful wife has preferred the present revision petition against the order dated 01.08.2025 in I.A.No.6 of 2025 in H.M.O.P.No.1116 of 2023 passed by the III Additional Judge, Family Court, Chennai.



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2. The above H.M.O.P.No.1116 of 2023 was filed by the respondent/husband S.Ganapathy @ Ashok for declaring the marriage between him and the revision petitioner as null and void. After completion of evidence of respondent / husband, the case was posted for further evidence of revision petitioner/wife. At this stage, the revision petitioner/wife has filed an application in I.A.No.6 of 2025 under Order XVI Rule 1 of the Code of Civil Procedure, 1908 to issue subpoena to one G.Sankaralingam, the father of the respondent/husband and one G.Revathi to adduce evidence. Upon hearing the parties, the Court below vide order dated 01.08.2025 dismissed the application on the ground that nobody can be compelled to adduce evidence and that apart, the petitioner has not furnished the particulars of said Revathi. Aggrieved over the said order, the wife has preferred the present civil revision petition.

3. The learned counsel appearing for the revision petitioner would submit that the Court below failed to consider the contention of the revision petitioner that G.Sankaralingam, the father of the respondent/husband is a Police Official (Special Sub-Inspector of Police) and he along with his family members is forcing the petitioner to sell the property. Though the respondent/husband stated that the said Sankaralingam met with an accident



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in the year 2018, no medical records were produced before the Court to prove the same and therefore, there is non-application of mind on the part of the Court below. The learned counsel would further submit that in order to prove the case of the revision petitioner/wife, it is just and necessary to examine the father of the respondent and Revathi. To strengthen his contention, the learned counsel appearing for the petitioner has relied upon the judgment of Hon'ble Supreme Court in ***Chowdamma (D) by LR and another Vs. Venkatappa (D) by LRs and another*** reported in ***2025 INSC 1038***.

4. Per contra, the learned counsel appearing for the respondent/husband would submit that case is now posted for argument and only in order to protract the proceedings, the above application came to be filed and there is no necessity to examine the father of the respondent/husband and one Revathi and the impugned order does not warrant any interference by this Court.

5. This Court carefully considered the submissions made on both sides and also perused the materials available on record.

6. It is the admitted case of the parties that the marriage between the petitioner and respondent was solemnized on 10.09.2021 and the revision petitioner and the respondent continued their marital life till 15.09.2021. According to the revision petitioner, the respondent's father G.Sankaralingam,



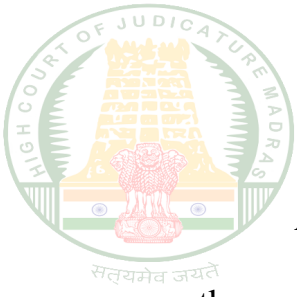
who is working as a Special Sub-Inspector of Police and his respondent's family members were forcing the revision petitioner to sell the revision petitioner's mother's property and they were disappointed due to the refusal to sell the property which led to filing of false complaint against the revision petitioner. Therefore, only in order to establish certain facts, the revision petitioner filed the above interlocutory application to summon Sankaralingam and Revathi to adduce evidence.

7. It is seen from the records that the original petition was filed for declaring the marriage as null and void. On behalf of the respondent/husband, he himself was examined as PW1 and certain documents were marked. On completion of evidence on the side of the respondent/husband, the case was posted for revision petitioner/wife's side evidence. On behalf of the revision petitioner, the revision petitioner herself was examined as RW1, grandmother of revision petitioner was examined as RW2, a Gynecologist was examined as RW3 and a Radiology Technician was examined as RW4 and the case is now posted for adducing further evidence on the side of the revision petitioner. It is at this stage that the revision petitioner has come forward with I.A.No.6 of 2025 to issue subpoena to G.Sankaralingam and one Revathi. According to the revision petitioner



respondent's father threatened the petitioner's family to sell the property and purchase the property in the name of the respondent/husband. According to the revision petitioner, the said Revathi accompanied the respondent/husband to beauty parlor at the time of marriage. Upon hearing the parties and considering the materials before it, the Court below found that there is no necessity to examine the revision petitioner's father-in-law as a witness on her side and it is also observed that nobody can be compelled to adduce evidence.

8. Considering the nature of dispute between the parties and stage of the case, this Court is of the view that the Court below has not committed any error in dismissing the application filed by the revision petitioner. There is no merit in the revision and the same is liable to be dismissed.



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Accordingly, the Civil Revision Petition is dismissed. Consequently,
the connected civil miscellaneous petitions are closed. There shall be no
order as to costs.

07.10.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
gpa

To

III Additional Judge,
Family Court, Chennai.



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M. JOTHIRAMAN, J.

gpa

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