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C.R.P.No.5605 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5605 of 2025
and C.M.P.No.28105 of 2025

K.Ganesh

... Petitioner

VS.

Saranya

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Sub Judge, Thiruvarur to eschew the evidence already recorded in HMOP.No.98 of 2023 and to commence joint trial along with HMOP.No.98 of 2025 on the file of the Sub Court, Thiruvarur.

For Petitioner : M/s.S.Sridevi

ORDER

The Civil Revision Petition is filed directing the Sub Court, Thiruvarur to eschew the evidence already recorded in H.M.O.P.No.98 of 2023 and to commence joint trial along with H.M.O.P.No.98 of 2025.

2. It is not disputed that the petitioner/husband originally filed a



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petition for restitution of conjugal rights in H.M.O.P.No.41 of 2024 on the file of the Sub Court, Nagapattinam and subsequently, it was transferred to the file of Sub Court, Thiruvarur and renumbered as H.M.O.P.No.98 of 2025. The respondent/wife on her part filed a petition for divorce in H.M.O.P.No.98 of 2023 on the file of Sub Court, Thiruvarur.

3. The respondent/wife has filed a petition in Tr.C.M.P.No.475 of 2024 seeking transfer of petition filed by the petitioner/husband in H.M.O.P.No.41 of 2024 before the Subordinate Court, Nagapattinam. The said transfer petition was ordered and the petition filed by the husband was withdrawn from the file of Subordinate Court, Nagapattinam and transferred to the file of Subordinate Court, Thiruvarur for renumbering and joint trial along with H.M.O.P.No.98 of 2023.

4. It is also stated that as per the above said order, the petition filed by the petitioner/husband in H.M.O.P.No.41 of 2024 was transferred to the file of Sub Court, Thiruvarur and renumbered as H.M.O.P.No.98 of 2025. The order in transfer civil miscellaneous petition was passed on 24.01.2025. However, without waiting for transfer of petition filed by the



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petitioner/husband, the Sub Court, Thiruvarur proceeded with the trial of the matter in H.M.O.P.No.98 of 2023 filed by the respondent/wife and recorded evidence. Therefore, the instant civil revision petition has been filed seeking to eschew the evidence recorded in H.M.O.P.No.98 of 2023.

5. The certified copies of evidence of PW.1 and PW.2 recorded in H.M.O.P.No.98 of 2023 has been produced before this Court. A perusal of the same would suggest that after order was passed in transfer application, the petitioner herein appeared before the Sub Court, Thiruvarur and cross examined the respondent, who was examined as PW.1 on 29.01.2025 without any objection. Subsequently, the petitioner further cross examined the respondent on 24.04.2025.

6. Likewise, PW.2 filed his proof affidavit on 10.06.2025 and the petitioner herein cross examined PW.2 also on 30.06.2025. The petitioner without informing the order passed by this Court in Tr.C.M.P.No.475 of 2024, participated in the trial before the Sub Court, Thiruvarur and cross examined the witnesses. Therefore, the request made by the petitioner seeking to eschew the evidence recorded in H.M.O.P.No.98 of 2023 cannot



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be accepted. Therefore, I do not find any merits in this civil revision petition.

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7. Accordingly, the Civil Revision Petition is dismissed. However, the learned counsel appearing for the petitioner/husband informed this Court that the petition filed by the husband has been transferred to the file of Sub Court, Thiruvarur and renumbered as H.M.O.P.No.98 of 2025. Hence, the Sub Court, Thiruvarur shall take both the original petitions in H.M.O.P.No.98 of 2023 and H.M.O.P.No.98 of 2025 simultaneously and dispose of the same in accordance with law. No costs. Consequently, the connected civil miscellaneous petition is closed.

11.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

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S.SOUNTHAR, J.

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