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CRP(PD).No.1340 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.1340 of 2025

and

C.M.P.No.7872 of 2025

S.Manikandan

... Petitioner

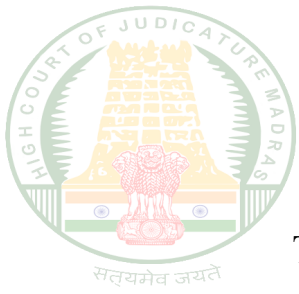
Vs.

K.Raganayaki

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Subordinate Court, Alandur to recall the Petitioner side evidence in HMOP.No.893 of 2021 and also so as to enable Respondent in HMOP.No.893 of 2021 for the cross examine PW1/Petitioner and by allowing IA.No.3 of 2024 and also pass a suitable order in nature and circumstances of the case by allowing this CRP.

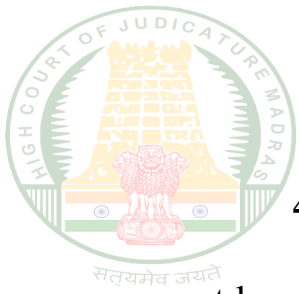
For Petitioner : M/s.J.Karthik Eswaran

**ORDER**

The husband is the petitioner before this Court challenging the dismissal of his application in IA.No.3/2024 in HMOP.No.893/2021 wherein the learned Sub Judge, Alandur had dismissed the petitioner's application to reopen the petitioner's side evidence for P.W.1 cross examination.

2. The brief facts are as follows:-

3. The respondent/wife had filed HMOP.No.893/2021 on the file of the Sub Court, Alandur seeking divorce. It is her case that she and the petitioner/husband had got married on 04.09.2014 as per Hindu Rites and Customs. From the date of her marriage till 24.01.2019, on which date she had come back to her parental home with her 4 years old daughter M.R.Vedha Sri, she was residing in her matrimonial home. The respondent/wife had also lost a son who has born after the daughter as he was born prematurely with lungs malformation.



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4. The respondent/wife would contend that throughout her stay at her matrimonial home she had been subjected to extreme cruelty by the petitioner/husband and his parents. They took advantage of the fact that the respondent/wife's mother was a widow and had another daughter to get married. However, beyond a point the petitioner was not ready to take this cruelty and she had left her matrimonial home with her daughter on 24.01.2019. On two occasions the petitioner/husband had come to the respondent's house and created a lot of problems, which constrained the respondent/wife to lodge a complaint.

5. On 09.04.2019, the respondent/wife had issued a legal notice calling upon the petitioner/husband to come forward for divorce by mutual consent, to return her 15 sovereigns of gold jewels, to return household articles, to return a sum of Rs.60,000/- paid by her mother for the purchase of a Motor Bike for the petitioner/husband and also pay a sum of Rs.10,000/- each towards the maintenance of the petitioner and her daughter. It was this cruelty that was meted out upon her that had caused her to deliver her son prematurely.



Therefore, the respondent/wife had come forward with the divorce petition.

6. The petitioner/husband had filed a counter refuting the allegations made by the respondent/wife and contending that he had a lot of love and affection for the respondent/wife and his daughter and that he had never demanded dowry. He therefore, sought for a dismissal of the petition.

7. After the matter was posted for ex-parte arguments on 14.02.2024, the petitioner/husband has come forward with the application in IA No.4 of 2024 to cross examine PW1. In the affidavit filed in support of the said application, the petitioner/husband would contend that his previous counsel had not properly conducted the case and only in March 2024 he had come to know about the stage of the case. He would submit that unless he is permitted to cross-examine PW1, he would suffer a great prejudice.

8. A detailed counter has been filed by the respondent/wife



contending that the petition is nothing but an attempt to protract the proceedings. The respondent/wife would submit that no valid reasons have been given seeking to reopen the evidence. That apart, the petitioner/husband has failed to maintain either the respondent/wife or their daughter.

9. The learned Trial Judge, on considering the arguments and perusing the documents, ultimately proceeded to dismiss the said application against which the petitioner is before this court.

10. Heard the counsel for the petitioner and perused the records.

11. A mere perusal of the affidavit filed in support of the petition would clearly show that no valid reasons have been given to reopen the evidence. The petitioner/husband has simply stated that only in March 2024, he had come to know about the stage of the case. This clearly shows the indifference that the petitioner/husband has bestowed on the petition for divorce. The petitioner/husband, who has not even given maintenance to his wife and child, is only attempting

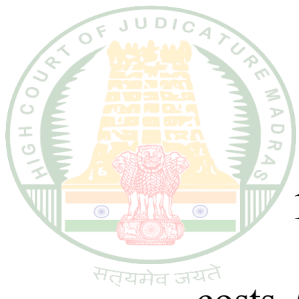


to protract the proceedings.

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12. The learned Trial Judge has in his order stated that PW1 was examined in chief on 24.08.2023, and thereafter, the case was posted for PW1 cross on several occasions and ultimately it was only on 04.12.2023 that the evidence was closed. Thereafter, on 11.01.2024, it was posted for the evidence of RW1 and since he was not even present in the Court, he was called absent and set ex-parte. The learned Trial Judge has also referred to the fact that earlier when the matter was pending before the Sub-Court at Tambaram from where it had been transferred, the petitioner husband had been set ex-parte and later the ex-parte order was set aside.

13. All of these would jointly go to show that the petitioner/husband has displayed a very casual and a very cavalier attitude in dealing with the proceedings. Therefore, I see no reason to interfere with the order passed by the learned Subordinate Court, Judge.



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14. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Subordinate Court, Alandur.



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P.T. ASHA. J.,

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