



C.R.P.No.4975 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.4975 of 2025
and CMP.No.25131 of 2025

S.Mahalakshmi

... Petitioner

VS.

P.Chandran

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order made in I.A.No.2 of 2025 in HMOP.No.3914 of 2024, dated 18.09.2025 passed by the Principal Judge, Family Court, Chennai.

For Petitioner : Mr.J.Kannan

For Respondent :Mr.K.A.Ravindran



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Principal Family Court, Chennai, partly allowing the application for amendment filed by the respondent.

2. The respondent filed an application for divorce under Section 13(1) (ia) of Hindu Marriage Act. Though the respondent in the pleadings mentioned about the cruelty allegedly meted out to him, in the prayer portion, he sought for dissolution of marriage on the ground of desertion. Since there is a discrepancy with regard to the provisions of law and on the ground mentioned in the prayer portion, an application has been filed seeking to amend preamble portion of the petition by adding new Section 13(1) (ib) and to add the word 'cruelty' in the prayer portion along with the word 'desertion'. The said amendment application was partly allowed by the Family Court by permitting the petitioner to amend the ground mentioned in the prayer portion alone. The application filed by the respondent seeking to include new Section in the preamble portion was dismissed.



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3. The learned counsel appearing for the petitioner would vehemently contend that the amendment application was filed when the matter was posted for pronouncing judgment. Therefore, the Family Court ought not have entertained the same.

4. It is seen from the typed set of papers, the respondent filed a petition for divorce under Section 13(1) (ia) of Hindu Marriage Act, which means he sought for divorce on the ground of cruelty.

5. A perusal of the averment made in the main original petition would indicate that the respondent made necessary pleadings in support of his prayer for divorce on the ground of cruelty. However, in the prayer column, he mentioned the ground as desertion instead of cruelty. If the Section 13(1) (ia) of Hindu Marriage Act mentioned in the preamble portion of the petition is taken into consideration along with the averments found in the body of the petition, it can be safely inferred that the respondent seeks divorce only on the ground of cruelty.



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6. In fact, the learned counsel appearing for the respondent submitted that the petition for divorce was sought for only on the ground of cruelty. The said statement is recorded.

7. Though there is a delay on the part of the respondent in filing the petition, having regard to the substance of the averment found in the original petition and also the Section mentioned in the preamble portion, this Court feels that it is necessary to substitute the word 'cruelty' in the place of 'desertion' in the prayer portion. It is only clarificatory in nature and the same need not be rejected on the ground of delay in filing the petition. Therefore, I do not find any material irregularity or illegality in the order passed by the Family Court. Accordingly, the Civil Revision Petition stands dismissed.

8. In view of the amendment, the petitioner is entitled to file an additional counter to the main original petition, once additional pleadings is completed, the parties are entitled to adduce the additional evidence, if so advised.



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9. The additional counter of the petitioner shall be filed before the Family Court within a period of two weeks from the date of this order. Thereafter, the main original petition has to be disposed of in accordance with law as expeditiously as possible.

10. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.12.2025

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

The Principal Judge, Family Court,
Chennai.



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S.SOUNTHAR, J.

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