



CRP.No.6005 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

CRP.No.6005 of 2025
and CMP.No.29717 of 2025

Kayalvizhi

... Petitioner

Vs

Mugesh

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 16.09.2025 passed in I.A.No.03 of 2025 in H.M.O.P.No.37 of 2017 on the file of the learned Subordinate Judge, Harur and pass orders.

For Petitioners : Mr.A.Tamilarasan

ORDER

This civil revision is filed challenging the order passed by the Sub Court, Harur, allowing the application in I.A.No.3 of 2025 filed by



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the respondent/husband herein seeking certain amendments in the original petition in HMOP.No.37 of 2017.

2. The respondent/husband filed a petition in HMOP.No.37 of 2017 before the Sub Court, Harur, seeking divorce on the averment that the petitioner-wife deserted him in the year 2017 and treated him with cruelty. In the original petition, the provision of law was mentioned as Section 13(1)(1A) of the Hindu Marriage Act. The said petition was resisted by the petitioner/wife herein by filing counter. Now the instant application has been filed by respondent/husband seeking to amend the date of marriage as 05.06.2003 instead of 05.06.2012 as mentioned in the prayer column, and also to delete the provision of law 13(1)(1A) and insert 13(1)(ia)(ib) in O.P.No.37/2017. The said application was allowed by the trial Court. Aggrieved by the same, the petitioner/wife has come before this Court.

3. The learned counsel appearing for the petitioner vehemently submitted that there is no sufficient pleadings in the original petition seeking divorce on the grounds of cruelty and desertion. Therefore, the present application seeking to amend the section to 13(1)(ia)(ib) instead of 13(1)((1A) would alter the character of the case. Therefore,



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according to him, the Court below ought not to have allowed the amendment petition filed for inserting new provisions as prayed for. As far as the amendment of date of marriage in the prayer column is concerned, the learned counsel for the petitioner has not raised any objection.

4. A perusal of the original petition filed by the respondent, particularly, paragraph No.7 of the original petition would indicate that there are sufficient pleadings made by the respondent in support of his claim seeking divorce on the grounds of cruelty and desertion. However, the petition has been wrongly filed under Section 13(1)(1A) of the Hindu Marriage Act. In fact, there is no pleading in the original petition to support his case seeking divorce under Section 13(1)(1A). Therefore, the trial Court has rightly appreciated the pleading available in the original petition and allowed the amendment application. Quoting a wrong provisions will not prejudice the right of any parties and therefore, an application seeking amendment cannot be rejected merely on the ground that a wrong provision has been quoted by the parties. Now the respondent seeks to amend the original petition to include correct provision of law. The wrong provision of law mentioned in OP is only a typographical error. I, therefore, do not find



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any error or illegality in the impugned order passed by the learned trial Court.

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5. Accordingly, this civil revision petition is dismissed. However, taking into consideration that the amendment application has been filed by the respondent at the stage of passing of judgment, this Court is inclined to direct the Court below to dispose of O.P.No.37/2017 as expeditiously as possible. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.11.2025

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

- 1.The Sub Court
Harur.
- 2.The Section Officer
VR Section
High Court, Madras.



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S.SOUNTHAR, J.

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