

C.R.P.(MD)No.682 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.682 of 2025

and

C.M.P(MD)No.3632 of 2025

B.Sumathi

Rep. by her Power of Attorney

Mr.P.Baskaran

... Petitioner

Vs.

K.D.Sudharsan

... Respondent

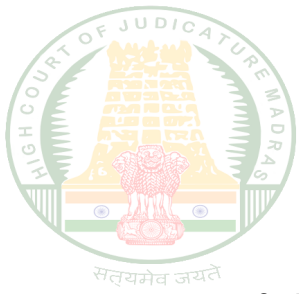
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to strike off the petition in H.M.O.P.No.533 of 2024, on the file of the Family Court, Tiruchirapalli.

For Petitioner : Mr.R.Amardeep

For Respondent : Mr.Hemanth Kumar

ORDER

This petition has been filed seeking to strike off the petition in H.M.O.P.No.533 of 2024, on the file of the Family Court, Tiruchirapalli.



C.R.P.(MD)No.682 of 2025

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2. The petitioner is the Power of Attorney of the Mrs.B.Sumathi, who is his daughter. The case of the petitioner is that the marriage between the petitioner's daughter B.Sumathi and the respondent was solemnized on 10.09.2014 and subsequently, there was a matrimonial dispute. Due to the matrimonial dispute, the petitioner's daughter filed D.V.C.No.7 of 2019 before the Judicial Magistrate Court, Arni, Thiruvannamalai District. Thereafter, the respondent filed H.M.O.P.No.377 of 2019 under Section 13(1)(i-a) of the Hindu Marriage Act before the Family Court, Tiruchirappali. In that petition, the petitioner's daughter filed Tr.C.M.P.No.82 of 2020 and the same was allowed and transferred to Sub Court, Arni and renumbered as H.M.O.P.No.25 of 2021 and the same was dismissed for default. Now, the respondent filed another H.M.O.P.No.533 of 2024 against the petitioner's daughter. Therefore, the petitioner's daughter filed this Civil Revision Petition to strike off the H.M.O.P.No.533 of 2024.

3. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner's daughter and the respondent was solemnized on 10.09.2014. Subsequently, there was a matrimonial dispute in between them and thereby, the petitioner's daughter filed D.V.C.No.7 of 2019 and the

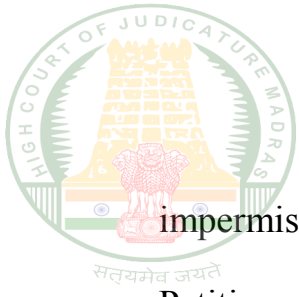


C.R.P.(MD)No.682 of 2025

respondent filed H.M.O.P.No.377 of 2019 for divorce and in that petition, the petitioner's daughter filed transfer petition and the same was transferred to the Sub Court, Arni and renumbered as H.M.O.P.No.25 of 2021. The said HMOP was dismissed for non-prosecution on 26.08.2021. However, without taking steps to restore the earlier H.M.O.P.No.25 of 2021, the petitioner straightaway filed another H.M.O.P.No.533 of 2024 before the Family Court, Tiruchirappalli. Without restoring the earlier application, which was dismissed for default, filing the fresh HMOP is impermissible one and prays for allowing the Civil Revision Petition.

4. The learned counsel appearing for the respondent would submit that there is no bar for filing the second application and prays for dismissal of the Civil Revision Petition.

5. The facts of the present case is not in dispute and the relationship of the parties is also not in dispute. It is seen from the records that the respondent has earlier filed H.M.O.P.No.25 of 2021 before the Sub-Court, Arni and the same was dismissed for non-prosecution on 26.08.2021 and without taking any steps to restore the earlier petition, the respondent has filed another petition in H.M.O.P.No.533 of 2024 before the Family Court, Tiruchirappalli is



C.R.P.(MD)No.682 of 2025

impermissible one and hence, this Court is inclined to allow the Civil Revision

Petition.

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6. Accordingly, this Civil Revision Petition is allowed and H.M.O.P.No. 533 of 2024, on the file of the Family Court, Tiruchirapalli is struck off. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2025

Internet:Yes/No

Index:Yes/No

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To

- 1.The Family Court,
Tiruchirapalli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.682 of 2025

M.DHANDAPANI, J.

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C.R.P.(MD)No.682 of 2025

14.07.2025