



Rev.Aplc(MD)No.53 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.04.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

Rev.Aplc(md)53 of 2025

in

C.M.A(MD)No.783 of 2015

A.Selvaraj

... Petitioner/Appellant/
Petitioner

-Vs-

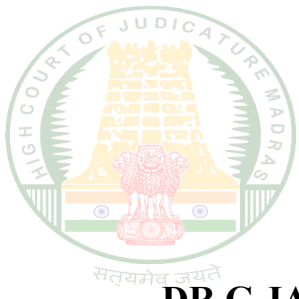
Catherine Pushpalatha

... Respondent/Respondent/
Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 47 Rule 1 & 2 r/w 114 of C.P.C., to review the order passed by this Court in C.M.A(MD)No.783 of 2015 dated 12.03.2021.

For Petitioner	: Mrs.Anandhavalli, for Mr.B.Christopher
For Respondent	: Mr.M.Ajmalkhan, Senior Counsel, for M/s.Ajmal Associates

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ORDER

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

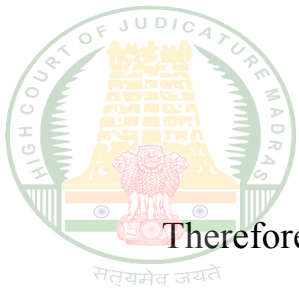
This revision petition is filed by the husband, being aggrieved by the dismissal of his Civil Miscellaneous Appeal arising out of the original petition filed for divorce on the ground of cruelty.

2.Heard the learned counsel on either side.

3.The learned Senior Counsel appearing for the review petitioner submitted that the trial Court as well as this Court had not considered the spirit of the compromise memo marked as Ex.P.7 and despite the execution of Ex.P.7, a compromise deed between the spouses to bury the hatchet and live peacefully, it was not acted upon.

4.The learned Senior Counsel contended that, the parties got married on 02.01.1991 and got separated in the year 2008 without any issues born to them and they are still living separately. But, for want of pleadings on the relevant facts, including the execution of the compromise memo, the review petitioner had lost his case. However, the document though not pleaded been marked as Ex.P.7.

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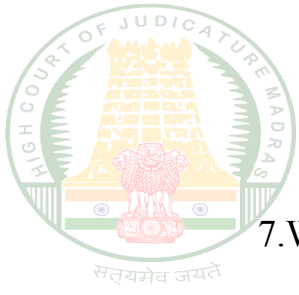


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Therefore, proper appreciation of the document should have been endowed by the Court below, which not done by the Court below, hence review petition.

5.This Court is of the view that without pleading, introduction of a document may not be sufficient for the Court to decide upon its veracity or any other facts which occurred subsequent to the execution of the document viz., Ex.P. 7. The Courts has to decide based on the pleadings and evidence. Since this Court finds no ground to review the order passed by the division Bench in C.M.A(MD)No.783 of 2015 dated 12.03.2021. The review petition has to be dismissed.

6.At the same time this Court cannot turn a Nelson's eyes to the certain facts of the case under consideration. The parties before us are almost 60 years and above. They are living separately for about 15 years. Unreasonable separation itself being a justifiable ground for dissolution of marriage, liberty is granted to the review petitioner to agitate the cause afresh, if so advised. If any such petition is filed, the trial Court shall not be influenced by the earlier proceedings between the parties in any manner and shall decide the case afresh.



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7.With the liberty, the review petition stands dismissed. No costs.

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[G.J., J.] & [R.P., J.]

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NCC : Yes / No

Index : Yes / No

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