

C.R.P.(MD)No.1892 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.1892 of 2025

and

C.M.P(MD) No.10480 of 2025

R.Hemalatha
D/o. Rajendran,
APT BLK 298D,
Compassvale Street,
#06-48, Singapore – 544 298
Represented by her Power Agent,
S.Chandrakala, W/o.Rajendran
Door No.4B, Prabhu Nagar I Street,
Muthanampalayam Salai,
Vijayapuram, Tiruppur.

... Petitioner/Respondent

(S.Chandrakala is recognized as
Power Agent on behalf of the sole
petitioner R.Hemalatha vide order of
this Court dated 03.07.2025)

Vs.

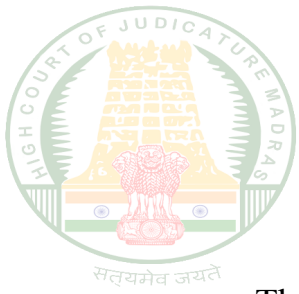
G.Murugesan

... Respondent/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the divorce petition in H.M.O.P.No.237 of 2024 on the file of the Subordinate Court, Rajapalayam and strike off the same.

For Petitioner : Mr.Shankar Murali

For Respondent : Ms.S.Prbha



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ORDER

WEB COPY This Civil Revision Petition is filed seeking to call for the records relating to the divorce petition in H.M.O.P.No.237 of 2024 on the file of the Subordinate Court, Rajapalayam and strike off the same.

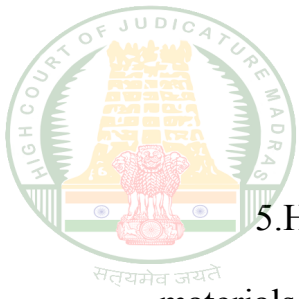
2.The petitioner is the wife of the respondent. The marriage between them was solemnized on 15.11.2007. Subsequently, there was a matrimonial dispute between the petitioner and the respondent. Thereby, the respondent filed a petition in H.M.O.P.No.110 of 2017 on the file of the II Additional Sub Court, Coimbatore and obtained an *ex-parte* divorce on 19.07.2017. Thereafter, the respondent filed a divorce petition in H.M.O.P.No.237 of 2024 on the file of the Subordinate Court, Rajapalayam. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner would submit that the marriage between the petitioner and the husband was solemnized on 15.11.2007. Since there was some matrimonial discard, initially the respondent filed a divorce petition in H.M.O.P.No.223 of 2011 on the file of the Sub Court, Srivilliputhur. The said petition was dismissed as withdrawn based on the compromise reported by the parties. Thereafter, since the matrimonial discard continued, the petitioner filed a divorce petition in H.M.O.P.No.110 of 2017 on the file of the



II Additional Sub Court, Coimbatore and obtained a decree of divorce in favour of the petitioner on 19.07.2017. The respondent had not taken any effective steps to challenge the order of divorce granted in favour of the petitioner. Now, for the very same prayer, the respondent has filed the present original petition in H.M.O.P.No.237 of 2024 on the file of the Sub Court, Rajapalayam and the same is not maintainable.

4.Per contra, the learned counsel for the respondent would submit that admittedly, earlier the respondent filed a divorce petition in H.M.O.P.No.223 of 2011 on the file of the Sub Court, Srivilliputhur. Since the petitioner agreed for compromise, the respondent has withdrawn the said divorce petition. Thereafter, since the dispute between the petitioner and the respondent continued, the respondent filed a divorce petition in the year 2015 on the file of the Sub-Court, Srivilliputhur. Now the said divorce petition is transferred to the file of the Sub Court, Rajapalayam and renumbered as H.M.O.P.No.237 of 2024. He further submitted that the divorce petition filed by the petitioner was decreed *ex-parte*. The respondent filed an application to set aside the said *ex-parte* order. However, the said petition was dismissed. Further, the respondent submits that it would be suffice if liberty is granted to the respondent to work out his remedy in the manner known to law as against the divorce granted in favour of the petitioner.



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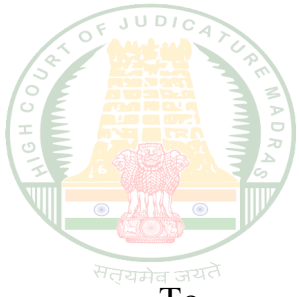
5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.Admittedly, divorce was already granted in favour of the petitioner on 19.07.2017 in H.M.O.P.No.110 of 2017 on the file of the II Additional Sub Court, Coimbatore. It is also admitted that the respondent has filed the present divorce petition as early as in the year 2015 on the file of the Sub Court, Srivilliputhur as H.M.O.P.No.61 of 2015. The said petition is only now transferred to the file of the Sub Court, Rajapalayam and renumbered as H.M.O.P.No.237 of 2024. Further, the respondent also concedes to challenge the divorce granted in favour of the petitioner.

7.In view of the above, the divorce petition filed by the respondent husband now pending before the Sub Court, Rajapalayam in H.M.O.P.No.237 of 2024 is hereby struck off and this Civil Revision Petition is **allowed**. It is also made clear that the respondent is at liberty to work out his remedy for other reliefs in accordance with law, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

03.07.2025

Index : Yes/No
Internet : Yes / No
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To
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- 1.The Subordinate Court,
Rajapalayam.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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