



C.R.P(MD)No.2599 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2599 of 2025
and
C.M.P.(MD).No.15320 of 2025

R.Vijaya Lakshmi

... Petitioner

Vs.

P.Roshanlal

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 18-06-2025 made in I.A.No.1 of 2025 in H.M.O.P.No.4 of 2024 on the file of Sub Court, Theni by allowing the Civil Revision Petition and thus render justice.

For Petitioner : Mr.K.Abiya

For Respondent : Mr.Aysha Begum
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 18-06-2025 made in I.A.No.1 of 2025 in H.M.O.P.No.4 of 2024 on the file of Sub Court, Theni.



C.R.P(MD)No.2599 of 2025

2. The learned Counsel for the petitioner would submit that the respondent herein filed a petition for divorce on the ground of cruelty, wherein, the petitioner took out an application under Order XVI Rule 1 of CPC, seeking to call for the service records of the respondent who was employed in the TamilNadu State Transport Corporation and also to examine the Deputy Tahildar (Election), the Regional Transport Officer, Usilampatti Taluk, and the Village Administration Officer of Usilampatti Taluk to substantiate her claim that the respondent did commit the offence of bigamy. The said application was dismissed without considering the valid claim made by the petitioner.

3. The learned Counsel for the petitioner would submit that the petitioner in the counter in HMOP petition filed by the respondent had categorically claimed that the respondent did commit the offence of bigamy and to prove the same, the said witnesses are required to be examined. The Court below even though had given a finding that the petitioner had pleaded in the counter that she filed a private complaint against the respondent for the offence of bigamy and she required the witnesses to be examined to prove the allegation of bigamy, the court below rejected the application by holding that there is no reasons stated



C.R.P(MD)No.2599 of 2025

in the affidavit filed in support of the application. Therefore, he would submit that when the application is supported by the pleadings in the counter affidavit, the court below was wrong in dismissing the application. Therefore, he seeks indulgence to the order passed by the trial court.

4. Countering his argument, the learned Counsel appearing for the Respondent would submit that even in the affidavit filed before this Court in support of claim application, the petitioner had admitted that she had initiated a private complaint against the respondent and the same has been dismissed as early as in the year 1999, and an appeal had been preferred in the Principal seat at Madras. When the petitioner had failed to prove the offence of bigamy before the appropriate criminal court, there is no necessity to call for the witnesses as claimed by her. Therefore, the Court below had rightly dismissed the petition and the petitioner has filed the present civil revision only to protract the proceedings.

5. I have carefully considered submissions made on either side and perused the materials available on record.



C.R.P(MD)No.2599 of 2025

6. As rightly pointed out by the learned Counsel for the Respondent, the petitioner had pleaded that she filed a private complaint against the respondent for the offence of bigamy, which was dismissed. The said complaint was filed in the year 1993. The respondent had not filed any divorce petition on the ground of bigamy. Only after the respondent filed HMOP petition for divorce, the petitioner attempted to raise the issue. Having admitted the dismissal of a private complaint, to drive home or claim of bigamy had attempted to call for the witnesses in the application which in the considered view of the court is only an attempt of protracting the proceedings.

7. For the aforesaid reasons, this Court do not find any merits in the Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gvn



C.R.P(MD)No.2599 of 2025

To

1.The Sub Court, Theni

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.2599 of 2025

K.KUMARESH BABU,J.

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C.R.P(MD)No.2599 of 2025

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