



Rev.Aplc.(MD)No.42 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Rev.Aplc.(MD)No.42 of 2025

in

C.M.S.A(MD)No.35 of 2019

and

C.M.P(MD)No.4406 of 2025

Kalaiselvi

... Review Petitioner/Third Party

Vs.

1.Shanmugavalli

... 1st Respondent/Appellant

Chidambaram (Died)

2.Vadivel

3.Rajkumar

4.Jeevanandam

5.Hitler

... Respondents 2-5/
Respondents 2-5

PRAYER : Review Application filed under Order XLVII, Rule 1 & 2 r/w Section 114 of the Civil Procedure Code, 1908, to review the order passed by this Court in C.M.S.A(MD)No.35 of 2019, dated 12.07.2024.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.N.Balakrishnan



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JUDGMENT

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The present Review Application has been filed seeking to review the order passed by this Court on 12.07.2024 in C.M.S.A(MD)No.35 of 2019.

2. One Chidambaram got married to Shanmugavalli on 17.05.1979 and they were blessed with four sons. Due to matrimonial dispute, the husband had filed H.M.O.P.No.177 of 2014 before the Sub Court, Pudukottai seeking divorce. The wife filed a counter claim seeking restitution of conjugal rights. The learned Subordinate Judge passed an order on 12.09.2016 dismissing the petition filed by the husband seeking divorce and allowed the petition of the wife seeking restitution of conjugal rights.

3. Challenging the said order, the husband had filed C.M.A.No.3 of 2017 before the Principal District Court, Pudukottai. The appeal was allowed by the learned District Judge on 16.02.2018 granting divorce in favour of the husband and dismissing the prayer of the wife seeking restitution of conjugal rights.



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4. Challenging the said order, the wife had filed C.M.S.A(MD)No.

35 of 2019. Pending second appeal, the husband has passed away on 22.05.2021. The sons of the couple were impleaded as respondents in the appeal and they remained *ex parte*. This Court after hearing the submissions made on the side of the appellant / wife, allowed the appeal and set aside the decree for divorce on 12.07.2024.

5. One Kalaiselvi has filed the review application in Rev.Aplc(MD)No.42 of 2025 seeking to review the order passed in the second appeal. According to her, she got married to the deceased Chidambaram on 14.12.2018 after the decree for divorce was granted by the First Appellate Court. In such circumstances, she should have been impleaded as one of the respondents in the second appeal. Without hearing her, the second appeal has been allowed. The allowing of the second appeal has resulted in setting aside the decree for divorce which has caused great prejudice to her marital status. Hence, it is prayed for reviewing the order passed by this Court in C.M.S.A(MD)No.35 of 2019 on 12.07.2024.



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6. Per contra, the learned Counsel appearing for the appellant in the second appeal submits that the review applicant seems to have married the deceased Chidambaram even before the time for filing the appeal had expired. That apart, the review applicant is already married to a third party and she has not divorced him. Therefore, her alleged marriage with the deceased Chidambaram is not valid in the eye of law. He further submits that, this Court after being satisfied with the contentions that the husband has not made out a case for divorce, has set aside the decree for divorce. In such circumstances, the review applicant, who does not have any knowledge about the matrimonial dispute cannot have assail the divorce proceedings. He also questioned the validity of the marriage of the review applicant with that of the deceased Chidambaram.

7. Heard both sides and perused the materials available on record.

8. According to the review applicant, she got married to deceased Chidambaram after a decree for divorce was granted in C.M.A.No.3 of 2017 on 16.02.2018. It is contended that she got married to deceased Chidambaram on 14.12.2018, which is 10 months after the decree for



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divorce. However, this matter was not brought to the notice of the Court when the appeal was heard. Though the sons of the couple were impleaded as respondents in the second appeal, after the death of the husband, they have not chosen to appear. Therefore, this Court was constrained to allow the appeal in the absence of any representation on the side of the respondents. In such circumstances, since contentious issues have been raised with regard to the validity of the marriage of Kalaiselvi, in the interest of justice, the review application is allowed and the issue relating to the divorce between the Shanmugavalli and deceased Chidambaram shall be reheard by this Court.

9. In view of the above said deliberations, the review application stands allowed. The Registry is directed to restore the second appeal to its file and post before the concerned Court for hearing. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

24.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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R.VIJAYAKUMAR, J.

BTR

Order made in
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Dated:
24.06.2025