



CRP(MD). No.3099 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

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A.Sahayaselvam

... Petitioner

Vs.

1.D.Krishnaveni

2.Sekar

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India, seeking to direct the learned Family Court, Kanyakumari District at Nagercoil to number the unnumbered I.A.No.... of 2025 in HMOP No.447 of 2024 filed under Order V Rule 15 CPC and to pass order in the said I.A., by permitting the petitioner to serve the summon to the 2nd respondent through her mother Utchimakali.

For Petitioner : Mr.V.Sukumar

ORDER

This Civil Revision Petition had been filed seeking to direct the learned Family Court, Kanyakumari District at Nagercoil to number the



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unnumbered I.A.No.... of 2025 in HMOP No.447 of 2024 filed under Order V Rule 15 CPC and to pass order in the said I.A., by permitting the petitioner to serve the summon to the 2nd respondent through her mother Utchimakali.

2. Heard Mr.V.Sukumar, learned counsel appearing for the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner had instituted a divorce proceedings against the first respondent primarily on the grounds of adultery in which he had also impleaded the second respondent who is the alleged paramour. Notice has been served upon the first respondent and she had remained ex-parte, however, notice could not be served on the second respondent. Hence, he had taken out an application to serve summons on the elderly member of the family of the second respondent, who is none other than the mother of the second respondent.



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4.He would submit that the same had been returned originally as there has been no order passed for the substituted service. A compliance had been made indicating that several attempts had been made to serve notice on the second respondent at his last known address, however, the same had been returned with an endorsement indicating as '*left*'. Hence, a compliance was made to permit the service of summons of the second respondent through his mother. Again the same had been returned indicating that no order had been passed to file the petition. He would submit that the return made by the Court below is wholly improper and therefore, seeks indulgence of this Court to direct the Court below to number the said Interlocutory Application and permit the petitioner to serve the second respondent through his mother.

5. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

6. The petitioner had arrayed the respondents 1 & 2 in the HMOP by showing them to be the residents of Kanyakumari district. With regard to the first respondent, he had given her address as Door No.8/44,



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Veeravilai Colony, Thittuvilai, Boothapandy Village, Thovalai Taluk, Kanyakumari and had also indicated that she is working as a nurse in Saudi Arabia and given her residing address at Door No.50-51, 1st Floor, Karpaga Bhavanam, Second Street, Ganapathy Nagar, Chettikulam, Nagercoil, Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District. He had described the second respondent as residing at 11-21, B2, BharatharStreet, Marthal, Thittuvilai, Boothapandy Village, Thovalai Taluk, Kanyakumari District. However, it his admitted case in paragraph no.26 that both the respondents 1 & 2 had left India to Saudi Arabia and are living together as husband and wife. Having admitted so, it is ill-minded on the part of the petitioner to give their address in the HMOP as they are residing at a place in Kanyakumari as noted above.

7. The first respondent is admitted to be working as a Nurse in Saudi Arabia and her residence address at Kanyakumari district has been given. This itself would show that the petitioner has come with unclean hands in even filing the HMOP.



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8. This Court could have exercised its power under Article 226 of Constitution of India in dismissing the HMOP filed by the petitioner for the aforesaid reasons. But, however, this Court without doing so directs the learned Family Court Judge, Kanyakumari to take note of the above fact and deal with the issue appropriately. If the Court below finds that the petitioner had attempted to abuse the process of this Court by giving a false address, the Court is at liberty to initiate action of perjury against the petitioner.

9. For the aforesaid reasons, this Court do not find any merits in the Revision and accordingly, the same is dismissed. However, there shall be no order as to costs.

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Index : Yes/No
Internet : Yes/No
NCC : Yes/ No
GBA



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1. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
2. Family Court, Kanyakumari District at Nagercoil



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K.KUMARESH BABU,J.

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