



C.R.P(MD)No.3472 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.3472 of 2025

and

C.M.P(MD)No.18763 of 2025

S.Anbumeena

... Petitioner/Petitioner/
Respondent

Vs.

V.Selvam

...Respondent/Respondent/
Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order in I.A.No.6 of 2025 in H.M.O.P.No.57 of 2023 on the file of the learned Subordinate Judge, Sattur, Virudhunagar District dated 01.11.2025 and allow this civil revision petition.

For Petitioner : Mr.S.Balaji

ORDER

The present civil revision petition has been filed to set aside the fair and decreetal order in I.A.No.6 of 2025 in H.M.O.P.No.57 of 2023 dated 01.11.2025 on the file of the learned Subordinate Judge, Sattur, Virudhunagar District.



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2. The learned counsel for the petitioner submits that the petitioner had filed an application for restitution of conjugal rights against the respondent and the respondent has filed an H.M.O.P., for divorce. He submits that the petitioner filed an application to summon a material witness, who resides in the matrimonial home and whose testimony is crucial. However, the said application was dismissed. He submits that the Court below without appreciating the case of the petitioner as pleaded in her counter affidavit in H.M.O.P. filed by the husband. Hence, he seeks indulgence of the order passed by the Court below.

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

4. The Court below has found that the statements made in the counter filed in the main H.M.O.P are not sufficient to issue a warrant to summon the witness as indicated. It is an admitted fact that the petitioner earlier filed a petition for restitution of conjugal rights and only thereafter the respondents had initiated the proceedings for divorce. If it is the claim of the petitioner that the respondent was leading an



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adulterous life, the petitioner would have definitely filed an O.P. for divorce and not for restitution of conjugal rights. Only after the respondent filed the petition for divorce has the petitioner raised such allegations, which *prima facie* appears to be an afterthought intended to harass not only the respondent but also a third party.

5. For the aforesaid reasons, I find no infirmity in the order passed by the Court below. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

24.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The learned Subordinate Judge,
Sattur, Virudhunagar District.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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K.KUMARESH BABU,J.

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