



C.R.P.(MD)No.3705 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3705 of 2025
and
C.M.P.(MD)Nos.19553 of 2025

S.Anbumeena

... Petitioner

-vs.-

V.Selvam

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decretal order in I.A.No.7 of 2025 in H.M.O.P.No.57 of 2023 on the file of the learned Subordinate Judge, Sattur, Virudhunagar District, dated 14.11.2025 and allow this Civil Revision Petition.

For Petitioner :Mr.D.Srinivasa Raghavan
for Mr.S.Balaji

For Respondent :Mr.G.Aravindhan
for M/s.Arun Legal Consultancy



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Sattur, Virudhunagar District, in I.A.No.7 of 2025 in H.M.O.P.No.57 of 2023, dated 14.11.2025.

2.Heard Mr.D.Srinivasa Raghavan, learned Counsel for the petitioner and Mr.G.Aravindhnan, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 12.09.2021 as per the Hindu religious and customary rites. Due to the difference of opinion, both of them are living separately. The respondent/husband filed a petition in H.M.O.P.No.57 of 2023 for dissolving the marriage and the petitioner/wife has filed a petition in H.M.O.P.No.128 of 2022 for restitution of conjugal rights before the Subordinate Court, Sattur, Virudhunagar District.



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4.In the meanwhile, the petitioner/wife has filed an application in I.A.No.7 of 2025 under Order 16 Rule 1, 2 and Section 151 of CPC seeking to issue summon and examine the witness, namely, the Bank Manager, since the said official is a fit person to depose the financial status of the respondent/husband. The learned Subordinate Judge, Sattur, Virudhunagar District, vide impugned order, dated 14.11.2025, had dismissed the said application on the ground that the reasons stated in the application are insufficient to warrant the summoning of the Bank Manager, whose testimony is not necessary for the case. Challenging the same, the present Civil Revision Petition has been filed.

5.The learned Counsel for the petitioner submitted that the trial Court failed to appreciate that the petitioner/wife sought to prove the real income and earning capacity of the husband, who suppressed his actual income by showing only take-home salary after deductions, whereas, he draws gross salary of Rs.1,50,000/- per month along with other various financial benefits. The learned Counsel also submitted that the Court below is erred in holding that the income details of the husband are not relevant at this stage, ignoring the fact



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that the present application was filed for summoning the Bank Manager to prove the respondent's income, which is important for adjudicating the claim for future maintenance. He also submitted that the impugned order is vitiated by arbitrariness, legal infirmity, perversity and violation of principles of natural justice warranting interference of this Court.

6.Per contra, the learned Counsel for the respondent submitted that the petitioner has filed the application to issue summon and examine the witness, namely, the Bank Manager, only with an intention to harass the respondent and the Bank Manager is not necessary party to the case and that only with an intention to defame the respondent, the petitioner has filed the present application, which has been rightly rejected by the Court below and he seeks dismissal of this petition.

7.Considered the submissions made on either side and perused the materials available on record.



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8.The petitioner is the wife and the respondent is husband. In the petition filed by the respondent/husband in H.M.O.P.No.57 of 2023 for dissolving the marriage, the petitioner/wife has filed an application in I.A.No.7 of 2025 under Order 16 Rule 1, 2 and Section 151 of CPC seeking to issue summon and examine the witness, namely, the Bank Manager, since the said official is a fit person to depose the financial status of the respondent/husband. As rightly contended by the learned Counsel for the petitioner, the petitioner/wife sought to prove the real income and earning capacity of the husband and to prove the same, she seeks to issue summon to the Manager of the Bank, in which the respondent/husband has salary account. However, without considering the averments made in the affidavit filed in support of the application as well as the material evidence, the Court below has erroneously rejected the application filed by the petitioner, which needs interference of this Court.

9.In view of the above, the present Civil Revision Petition is allowed and the order passed by the learned Subordinate Judge, Sattur, Virudhunagar District, in I.A.No.7 of 2025 in H.M.O.P.No.57 of 2023, dated 14.11.2025, is



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hereby set aside. No costs. Consequently, connected miscellaneous petition is closed.

10.At this juncture, the learned Counsel for the Revision Petitioner submitted that at the time of passing the impugned order, the learned trial Judge has awarded compensatory cost and since the compensatory cost was not paid by the Revision Petitioner within the stipulated time period, the learned trial Judge, vide order, dated, dated 02.12.2025, had struck off the defence of the respondent. In view of the above order passed by this Court, the order passed by the learned trial Judge, dated 02.12.2025, is also set aside.

11.It is made clear that both the learned Counsel shall file a memo before the trial Court indicating the order passed by this Court the trial Court shall consider the memo filed on behalf of both sides.

Internet	:Yes/No	17.12.2025
NCC	:Yes/No	(1/2)
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To

The Subordinate Judge, Sattur, Virudhunagar District.



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N.SENTHILKUMAR, J.

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