



WEB COPY

CRP No. 1193 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**CRP No. 1193 of 2022
and CMP No. 6348 of 2022
Tr. CMP No. 11603 of 2026**

Narasimmamoorthy @ Moorthy

..Petitioner(s)

Vs

Vijayalakshmi

..Respondent(s)

Prayer : This petition has been filed to strike off the restitution of conjugal rights petition pending against the petitioner in HMOP No.48 of 2019 on the file of Sub Judge, Dharmapuri.

For Petitioner(s): Mr.T.Shanmugam
For Mr.P.Ezhil Nilavan

For Respondent(s): Mr.T.P.Ramesh

ORDER

Pursuant to the orders of this Court, an interlocutory application filed in I.A. No. 1 of 2025 had been transferred to this Court and is being taken up along with the present Civil Revision Petition.

2. The respondent had filed an Original Petition for restoration of the conjugal rights and by an *exparte* order, the same had been decreed. It is to be noted that the petitioner had earlier instituted an Original Petition in H.M.O.P. No. 47 of 2015, which was ordered by the learned Subordinate Judge, Hosur



granting a decree of divorce by order dated 21.09.2017. Only thereafter, the respondent had preferred an Original Petition seeking for restoration of conjugal rights, which cannot be maintained as a relationship between the parties had already come to an end as early as in the year 2017, which had been confirmed in an Appeal in CMA No. 18 of 2017.

3. In such view of the matter, the I.A. filed by the petitioner to condone the delay to restore the H.M.O.P. No. 48 of 2019 stands allowed and H.M.O.P. No. 48 of 2019 stands restored to on the file of the learned Subordinate Judge, Dharmapuri.

4. As noted above, since an order of divorce had already been passed dissolving the marriage as early as in the year 2017 and having been confirmed in the Appeal by the Appellate Court in the year 2019, the petition filed by the respondent for restoration of conjugal rights is not maintainable and accordingly, the H.M.O.P. No. 48 of 2019 now restored by this order also stands struck off.

5. With the aforesaid orders, this Civil Revision Petition stands allowed. No order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

29-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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CRP No. 1193 of 2



K.KUMARESH BABU, J.

Maya

To

The Sub Judge, Dharmapuri.

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1/2