



WEB COPY

CRP No. 1411 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1411 of 2026

AND

CMP NO. 6826 OF 2026

K.Dilipkumar

..Petitioner(s)

Vs

N.Sathya

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the petition of IA No. 4 of 2025 in OP No. 2821 of 2016 pending before the IV Additional Family Court, Chennai.

For Petitioner(s): Ms.S.Kanimozhi

For Respondent(s): Mr.T.S.Rajeev Gandhi

ORDER

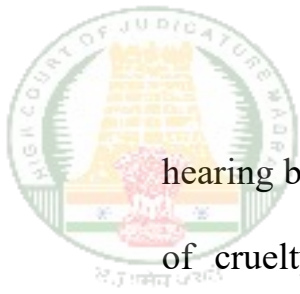
This civil revision petition is preferred by the petitioner / husband to strike off the petition in I.A No.4 of 2025 in O.P. No.2821 of 2016 pending before the IV Additional Family Court, Chennai and consequently quash the said proceedings.



2. After pronouncement of divorce granted in O.P. No.2821 of 2016, the respondent /wife filed an application to recall the order passed on 05.03.2024 and permitted her to lead further evidence and the same was taken on file in I.A. No.4 of 2025. The said application was taken on file and notice was issued and on receipt of notice, the husband has preferred the revision stating that after pronouncement of the order passed in O.P.No.2821 of 2016 the Court has no jurisdiction to entertain the application but erroneously taken on file. Therefore, he wants to strike off the entire said interim application.

3. The learned counsel for the respondent appeared through video conference and submits that by suppressing the second marriage, the revision petitioner / husband has proceed with O.P No.2821 of 2016. Now only the wife came to know that he subsequently got married with one Prasanna Kumari pending O.P No.2821 of 2016 and begotten one child on 26.08.2022. Therefore, by suppressing the very facts, he conducted divorce proceedings. Therefore, she want to recall the said divorce order and permit her to lead evidence. To that effect, she filed application which is sustainable in law. Therefore, prays to dismiss the revision as devoid of merits.

4. The fact reveals that the divorce OP filed by the revision petitioner /husband in O.P No.2821 of 2016 was contested by the respondent /wife. On



hearing both sides, the trial judge discussed about the divorce claim on the basis of cruelty in nearly about 25 paragraphs and also by relying on various judgments granted divorce by dissolving the marriage on 05.03.2024. Thereafter nearly about 16 months later, she come forward with interlocutory application under 151 CPC in the month of 22.07.2025 to recall the order and to lead further evidence. The Registry of the Family Court also numbered the application in I.A No.4 of 2025. But the fact reveals that the divorce was granted and as on date no case is pending before the Family Court between the parties. In such circumstances, the application taken on file by the Registry, as such is erroneous one. But since the application was taken on file, the petitioner has rightly approached this Court to strike off, as such is maintainable in law. Therefore, the IA is directed to strike off in the proceedings.

5. On hearing both sides, the trial judge has granted divorce which cannot be recalled. If at all any defence is available to the respondent /wife or if any subsequent developments made pending proceedings, she ought to have brought to the knowledge of the Court during the pendency of the divorce proceedings or by preferring an appeal before the appropriate forum and to submit her objections. Instead of that, she filed the application before the Court where there is no jurisdiction as on date. Therefore, I.A No.4 of 2025 is ordered to be strike off. Liberty is granted to the respondent /wife to prefer an appeal subject to limitation and also produce additional documents if her husband is really got



married with another woman with material proof before the appeal court and not before the trial court.

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6. With that liberty, this Civil Revision Petition is disposed of. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

06-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MTL

To

1. The IV Additional Family Court, Chennai.



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T.V.THAMILSELVI J.

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