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CRP No. 3596 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 3596 of 2025 and

CMP No.19399 of 2025

N.Shameena Ayesha
No.2/15, Karunanithi 2nd Street, Kotturpuram,
Chennai 600 085 (Rep by her POA Mrs.A.Dhilshad
Begum No.2/15, Karunanithi 2nd Street,
Kotturpuram, Chennai 600 085

..Petitioner(s)

Vs

S.Mohammed Rameez
S/o S.Mohamed Shafi Flat No.5, Delight Homes
No.106, Ram Nagar 6th Street Extension,
Pallikaranai, Chennai - 600 100.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 21.05.2025 passed by the VII Additional Principal Family Court, Chennai in I.A.No.5 of 2024 in OS.No.168 of 2022 and consequently decree the suit in OS.No.168 of 2023.

For Petitioner(s): Ms. S.P.Arthi



ORDER

This Civil Revision Petition is filed challenging the order passed by the VII Additional Judge, Family Court, Chennai in I.A.No.5 of 2024 in O.S.No.168 of 2022, dismissing the application filed by the petitioner/plaintiff, seeking passing of judgment on admission.

2. The petitioner/wife filed the above said suit, seeking declaration that the marriage dated 02.07.2017 solemnised between the petitioner and the respondent was dissolved by way of Khula dated 14.10.2019. The respondent/husband filed written statement and denied the validity of Khula dated 14.10.2019. It was the specific case of the respondent that he signed the Khula papers on 14.10.2019 unwillingly and he did not want to end the relationship with the petitioner by way of Khula. It was also stated by him that he did not endorse the Khula, as he wanted to know, why his wife did not want the marital relationship with him.

3. The petitioner herein filed the instant application seeking judgment on admission. It is the case of the petitioner that the respondent admitted the execution of Khula in the written statement and therefore, based on the said alleged admission, judgment shall be passed as prayed for in the plaint. The Trial Court dismissed the said application. Aggrieved by the same, the petitioner has come before this court.



4. The learned counsel for the petitioner, by taking this court to the written statement filed by the respondent submitted that there was an admission by the respondent about the execution of the Khula and therefore, the Trial Court ought to have allowed the application.

5. A perusal of the written statement would indicate that the respondent in his pleadings has stated that he signed the Khula papers on 14.10.2019 unwillingly and he did not want to end the relationship with his wife by way of Khula. Therefore, it is clear that the respondent denies the validity of the Khula, as he did not sign the document out of free will. As per the avements contained in the written statement, we cannot come to the definite conclusion that there was a well pronounced admission on the part of the respondent/ husband with regard to the execution of Khula. Mere admission of signature in Khula papers would not amount to admission of execution, as the respondent/husband had taken a plea that he signed the papers unwillingly. Whether the respondent signed the Khula papers out of his free will or not is a matter to be decided based on the evidence to be let in by the parties at the time of final disposal. In the absence of well pronounced admission regarding execution of Khula papers out of free will, the petitioner cannot sustain the application seeking judgment based on admission. Therefore I do not find any error in the order passed by the Trial Court.



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6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

20-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The VII Additional Judge,

Family Court, Chennai.



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S.SOUNTHAR, J.

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