



CRP(MD). No.253 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.253 of 2026
and
CMP(MD) No.1019 of 2026**

S.Gayathiri

... Petitioner

Vs

M.Janagaraj

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 11.12.2025 passed in IA No.2 of 2024 in HMOP No.504 of 2023 on the file of Family Court, Tiruchirappalli.

For Petitioner : Mr.R.S.Sivaram

For Respondent : Ms.V.Dhivya Bharathi for
Mr.Aayiram K.Selvakumar

ORDER

This Civil Revision Petition has been filed challenging the order, dated 11.12.2025 made in IA.No.2 of 2024 in HMOP.No.504 of 2023 on the file of the Family Court, Tiruchirappalli.



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2.The petitioner and the respondent are the wife and husband and the marriage between the parties was solemnized on 26.11.2020, according to Hindu Rites and Customs. Due to difference of opinion, the respondent/husband filed a petition in FCOP.No.123 of 2023 before the Family Court, Namakkal seeking divorce, which was later transferred to the file of Family Court, Tiruchirappalli and was also renumbered as HMOP.No.504 of 2023, pursuant to the order passed by this Court in TR.CMP(MD) No.392 of 2023, dated 16.08.2023.

3.Pending such petition, the petitioner/wife filed I.A.No.4 of 2023 under Section 340 of Cr.P.C., and Sections 200, 207, 208, 209, 210, 463 and 468 IPC, seeking compensation of Rs.10,00,000/- and to take action against the respondent. The said application was dismissed on 11.12.2025. Challenging the same, the present Civil Revision Petition has been filed.

4.The learned counsel for the petitioner would submit that after the transfer was made in the main FCOP, the respondent/husband had filed a memo before the Court below stating that the main FCOP petition had been transferred. Acting upon the said memo, the Court



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below had taken up the matter even before the date originally fixed for hearing.

5.He would further submit that no opportunity was afforded to the petitioner to be present and contest the proceedings, as a result of which, the petitioner has been put to serious prejudice and irreparable loss. Hence, she filed the present application for the relief stated supra. However, the Court below, without considering the facts and circumstances of the case properly, had dismissed the said application. Hence, he prays for appropriate orders.

6.*Per contra*, the learned counsel for the respondent would submit that the allegation put forth by the petitioner as against the respondent is wholly unfounded and un-sustainable. It is contended that the respondent had merely filed a memo before the Court below bringing to its notice that the main FCOP petition had already been transferred. The said act was only to apprise the Court of the factual position and not with any intention to gain undue advantage or to prejudice the petitioner in any manner. Hence, he prays for dismissal of this petition.



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7. Heard the learned counsel on either side and perused the records.

8. Admittedly, the petitioner and the respondent are the wife and husband. The respondent filed FCOP.No.123 of 2023 before the Family Court, Namakkal, seeking divorce and the same was subsequently transferred to the file of Family Court, Tiruchirappalli, pursuant to the order passed by this Court in TR.CMP(MD) No.392 of 2023, dated 16.08.2023. The same was numbered as HMOP.No.504 of 2023. At this stage, the petitioner filed I.A.No.4 of 2023 seeking compensation and to take action against the respondent, on the ground that by producing forged documents, the respondent approached the Court below and obtained orders. The said application was dismissed and the same is under challenge on Revision.

9. From the perusal of papers, it is seen that in pursuance of the order passed by this Court, dated 16.08.2023 in Tr.C.M.P.(MD) No. 392 of 2023, the main FCOP case was transferred by the learned Judge, Family Court, Namakkal to the file of Family Court, Tiruchirappalli.



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10. Even though it is the main grievance of the petitioner that based on the act of the respondent, the Court below had taken up the case prior to the date originally fixed, on a careful perusal of the records, it is seen that the Court below had taken up the matter based on the memo filed by the respondent, in which, a web-copy of the order of this Court in Tr.C.M.P.(MD) No.392 of 2023 dated 16.08.2023, has been annexed stating that a direction for early disposal of the case had been issued. In compliance with the said direction, the Court below had advanced the hearing of the case, which cannot be found fault with. It is further seen that on the said date, the petitioner was called absent. Significantly, no adverse order affecting the substantive rights of the petitioner was passed. The Court below had only ordered notice, which is purely procedural in nature.

11. In such circumstances, the contention of the petitioner that the respondent is liable to be punished is wholly untenable. The proceedings of the Court below are in consonance with the direction issued by this Court and do not suffer from any illegality or irregularity. This Court is of the considered view that the present Civil



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Revision Petition has been filed without any *bona fide* grounds and amounts to a vexatious attempt to delay the proceedings.

12.In fine, this Civil Revision Petition stands dismissed with cost of Rs.10,000/- for filing a vexatious application. The amount shall be paid by the petitioner to the respondent within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is filed.

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

The Judge, Family Court, Tiruchirappalli.



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N.SENTHILKUMAR, J.

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