



CRP(MD). No.3949 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 25/02/2026

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THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.3949 of 2025

Rani

(cause title is accepted
vide dated 18.12.2025 made in
CMP(MD).No.99573 of 2025)

... Petitioner

Vs

Sadasivam (died)
Rubadharshini

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the the divorce decree and judgment as against the petitioner in HMOP.No.66 of 2021 dated 13.11.2001 passed by the Subordinate Judge, Karur.

For Petitioner : Mr.R. Rajaraman
For respondent : Mr. S. Sivailayaraja

ORDER

This Civil Revision Petition has been filed to struck off the judgment and decree of divorce dated 13.11.2001 passed in H.M.O.P.

1/5



CRP(MD), No.3949 of 2025

No. 66 of 2021 on the file of the learned Subordinate Judge, Karur, as against the petitioner.

2. The learned counsel appearing for the revision petitioner submitted that in the said proceedings, the list of documents would reveal that Document No. 194 of 2001, namely the office copy of the notice at Serial No. 2 dated 02.05.2001, had been returned unserved. Thus, no proper notice was served on the respondent therein / revision petitioner herein. Despite the absence of service of summons, the petitioner was set ex parte.

3. The learned counsel further contended that an order setting a party ex parte can be sustained only when it is established that summons had been duly served and the party failed to appear. In the present case, the records clearly disclose that summons had not been served on the petitioner. Therefore, setting the petitioner ex parte is contrary to law and not sustainable.

4. It was also submitted that the name of the revision petitioner is



CRP(MD), No.3949 of 2025

“Rani”, whereas the proceedings had been initiated and the decree had been passed in the name of “Maharani”. According to the petitioner, “Maharani” is a fictitious person, and no such person exists. Hence, the decree and judgment passed against such a fictitious person cannot bind the petitioner.

5. The learned counsel appearing for the respondent fairly submitted that in the absence of proper service of notice on the revision petitioner, and in view of the discrepancy in the name, namely that the proceedings were taken in the name of “Maharani”, the petitioner’s contention deserves acceptance. It was also submitted that the respondent has no serious objection for allowing the Civil Revision Petition.

6. This Court has considered the submissions made on either side and perused the materials available on record. The records clearly indicate that the notice issued to the petitioner had been returned unserved and no effective service of summons was effected. In such circumstances, setting the petitioner ex parte is legally unsustainable.



CRP(MD), No.3949 of 2025

7. Further, the discrepancy in the name of the party, namely conducting the proceedings in the name of “Maharani” instead of “Rani”, creates serious doubt regarding the identity of the party against whom the decree has been passed. A decree passed against a person who has neither been properly impleaded nor served with notice cannot be sustained in the eye of law.

8. In view of the above, this Court is of the considered opinion that the judgment and decree dated 13.11.2001 passed in H.M.O.P. No. 66 of 2021 on the file of the learned Subordinate Judge, Karur, insofar as it relates to the revision petitioner, is liable to be struck off.

9. Accordingly, this Civil Revision Petition is allowed. No costs.

25.02.2026

TRP

Index : yes/ no

Internet : yes / no

TO

The Subordinate Judge, Karur.

4/5



WEB COPY



CRP(MD). No.3949 of 2025

N. SENTHILKUMAR,J

TRP

CRP(MD). No.3949 of 2025

Date : 25/02/2026