

BEFORE THE COURT OF SUBORDINATE JUDGE, PANRUTI

Present: Mr. J. ANVAR SATHATH. B.Com. M.L.,
Subordinate Judge, Panruti.

Monday, the 30th day of March, 2026

I.A.No.4/2026
in
HMOP. No. 15/2020

Rajalakshmi

... Petitioner/Respondent

Vs.

R.Vasanthakumar

... Respondent/Petitioner

This petition coming for final hearing before me on 02.02.2026 in the presence of Mr. P.Baskar, B.Sc., B.L., Mr. T.Babu, B.Sc., B.L., Mr. G.Sakthivel, B.A., B.L., Ms. M.Tamilthendral, B.Sc., LL.B., Advocates for the Petitioner/Respondent and Mr. R.Rajaprakash and Mr. K.Sivaraj, Advocates for the Respondent/Petitioner and upon hearing the arguments on both sides, on perusal of the records and having stood over for consideration till this day, this Court delivers the following

O R D E R

This petition filed by the Petitioner/Respondent under section 151 of CPC to reopen the main petition which was posted for Respondent side argument on 27.01.2026.

2. Brief of the affidavit of the Petitioner, dated. 27.01.2026:-

The Petitioner is the Respondent in the main petition. The case was posted for argument on 27.01.2026. The interim maintenance was ordered by this Court but

arrears are pending so the Petitioner filed I.A. No.3/2025. As on 23.01.2026, there is an arrears in payment of interim maintenance. The Advocates are on boycott from 28.11.2025 regarding e-filing, the case was posted for cross of RW1 on 12.12.2025. On 12.12.2025, the Advocates are on boycott. On 09.01.2026, the Respondent/wife not present due to her ill health. On 23.01.2026, the Petitioner/wife present in the Court but her counsel not appeared in the Court, but she requested during the cross examination, her counsel to be present, but wantonly this Court eschewed her evidence and closed her side evidence then the case was posted for arguments to 27.01.2026. So her case to be reopened to receive her chief examination affidavit.

3. Brief of the Counter, dated. 02.02.2026 :-

On 23.01.2026, both parties are present, however she voluntarily refused to proceed with the cross examination on the ground that her counsel was engaged elsewhere. It is false to state that the evidence was eschewed deliberately. Mere absence of counsel due to professional engagement does not constitute a valid or exceptional circumstance. After granting sufficient opportunities to the Respondent/wife since 27.07.2023, this Court was pleased to close the Respondent side evidence. The Respondent cannot dictated terms that cross examination should take place only in the presence of her counsel. The Petition is filed only with an intension to protract the proceedings especially after Petitioner side argument have already been heard. It is also submitted that even with regard to interim maintenance, though the Petitioner expressed readiness to pay the balance amount, the Respondent refused to receive the same, compelling this Court to direct the deposit into Court. This conduct clearly demonstrates the non- cooperative attitude of the Respondent. Once RW1 evidence have been eschewed and Respondent side evidence closed by a Judicial Order, the same cannot be reopened casually unless exceptional circumstances are shown. Hence the Petition may be dismissed.

4. Points for consideration:-

1. Whether this Petition to be allowed or not?
2. To what other relief the Petitioner is entitled for?
5. Both side heard. No document was marked on either side in the enquiry.

6. Answer to the Points No.1 and 2:-

6.1. The case of the Petitioner is that her evidence (RW1) was eschewed from file on 23.01.2026, wantonly by this Court despite her request was not considered that her counsel to be present at the time of cross examination of her by the Petitioner side/husband.

6.2. The case of the Respondent is that the Petitioner filed this petition to protract the proceedings after the Petitioner side arguments have already been heard. The case cannot reopened unless exceptional circumstances are shown.

6.3. On perusal of records, one R.Vasanthakumar filed a petition for divorce on 12.02.2020 and the same was numbered in HMOP No.15/2020, on the ground of cruelty against his wife Rajalakshmi to dissolve the marriage happened on 08.06.2016. In the main divorce petition, the Respondent/wife filed counter on 04.04.2022.

6.4. Further, the Respondent/wife and Minor.Rithika are filed interim maintenance application against the main Petitioner Vasanthakumar on 24.11.2020 and the same was numbered in I.A. No.70/2020, that petition was allowed on 06.10.2021, as per it Rs.6,000/- for the 1st Petitioner and Rs.4,000/- for the 2nd Petitioner was ordered as interim maintenance with costs of Rs.2000/-. Thereafter,

Rs.40,000/- on 12.11.2021, Rs.30,000/- on 11.03.2022, Rs.10,000/- on 04.04.2022, Rs.10,000/- on 24.08.2022, Rs.20,000/- on 08.02.2023, Rs.10,000/- on 31.03.2023, Rs.15,000/- on 27.07.2023, Rs.10,000/- on 29.11.2024, Rs.50,000/- on 02.04.2025, Rs.50,000/- on 09.07.2025, Rs.50,000/- on 12.09.2025, Rs.50,000/- on 02.02.2026 were paid to the Respondent/wife, in that 09.07.2025 and 02.02.2026 payment were made by deposit into the Court by the Petitioner/husband.

6.5. On perusal of records, after filing of counter by wife on 04.04.2022, the case was posted for enquiry to 22.04.2022, then the Petitioner / husband was examined on 28.09.2022, through him, Ex.P1 to P18 were marked, thereafter the PW1 was cross examined by the Respondent/wife counsel on 03.03.2023, 08.03.2023 and 10.03.2023. PW2 was examined on 12.04.2023 and cross examined on 06.07.2024. On the side of Respondent/wife, they were not ready to cross examine the PW2, so the cross of PW2 was closed on 23.06.2023 then the case was posted for Respondent side evidence, thereafter, on the petition of wife in I.A. No.1/2023 to recall of PW2 was allowed on 06.06.2024, thereafter only the PW2 was cross examined on 06.07.2024, then posted for Respondent side evidence on 12.08.2024 in meantime calculation memo for arrears of maintenance was ordered to be filed on 06.07.2024 accordingly it was filed on 12.08.2024 by the Respondent/wife.

6.6. On perusal of records, the following entry is relevant dt.23.06.2023, ***“PW2 present, Petitioner present, Respondent not present. On the side of Respondent U/Or.17 R.1 of CPC petition filed and dismissed. For the past 3 hearings, PW2 present but Respondent side not ready for cross examination. Further on the side of Petitioner represented that PW2 will go to Mumbai for his job next week. Already sufficient time granted for cross of PW2. The case is pending for more than 2 years. Hence cross of PW2 is closed. Further Petitioner side evidence***

closed, posted to Respondent witnesses call on 06.07.2023". After that the case came up for Respondent witnesses on 06.07.2023, 27.07.2023, 11.08.2023, 30.08.2023, 19.09.2023, 13.10.2023, 05.01.2024, 16.02.2024, 16.04.2024, 26.04.2024, 06.06.2024.

6.7. On 06.06.2024, the recall of PW2 filed by Respondent/wife in I.A. No.1/2023 was allowed on 06.06.2024 on condition to cross examine the PW2 on the date of his appearance. Thereafter, the case come up for cross of PW2 on 05.07.2024, 06.07.2024 (PW2 cross examined). On 06.07.2024, Petitioner witnesses closed and case posted for Respondent side evidence to 12.08.2024, 24.09.2024, 30.10.2024, 04.11.2024, 29.11.2024, 10.01.2025, 21.02.2025, 14.03.2025, 26.03.2025, 02.04.2025, 17.04.2025, 05.06.2025, 16.06.2025, 24.06.2025, 04.07.2025, 09.07.2025, 25.07.2025 (struck off petition in I.A. No.56/2025 filed), 08.08.2025, 12.09.2025, 10.10.2025, 07.11.2025, 18.11.2025, 19.11.2025, 28.11.2025 (RW1 examined). After examination of RW1 – wife on 28.11.2025 the case posted for cross of RW1 to 12.12.2025, 09.01.2026 (RW1 absent), 23.01.2026 (RW1 chief eschewed), 27.01.2026 (this I.A. No.4/2026 filed).

6.8. On perusal of record, on 23.01.2026, the following was recorded in the A-diary ***"Both parties present. No representation for Respondent. Wife (RW1) represented that not willing to cross examine her. On perusal of records the case was coming for respondent side evidence from 27.07.2023. The petitioner counsel ready with to pay interim maintenance balance but the wife is not willing to receive, and refused the same hence, the petitioner is directed to deposit the same in to this court. Since sufficient opportunities granted respondent side evidence closed and RW1 evidence eschewed from file. Petitioner side argument heard. For Respondent side argument, NFA"*** adjourned to 27.01.2026.

6.9. On perusal of records and progress of the case, the Petitioner/wife took enormous time to cross examine the Petitioner/husband side evidences and give on her side evidence but she gave reason in the affidavit as follows: “எனவே எதிர்மனுதாரர் குறுக்கு விசாரணை செய்யும் போது, எனது வழக்கறிஞர் என்னுடன் நீதிமன்றத்தில் இருக்க வேண்டும் என சமூகம் நீதிமன்றத்தாரிடம் தெரிவித்தேன். இருந்தும் சமூகம் நீதிமன்றம், வேண்டுமென்றே, நான் என் தரப்பில் தாக்கல் செய்து பதிவு செய்திருந்த, முதல் விசாரணை வாக்குமூலத்தை **Eschewed** (தவிர்த்துவிட்டு) செய்து, சமூகம் நீதிமன்றம், என் தரப்பில் சட்சியத்தையும் முடித்து, வாதுரைக்காக இன்று **27.01.2026** தேதியில் வாய்தா வைத்து உத்தரவு பிறப்பித்துள்ளது. எனவே நான் இன்று வாதுரை செய்வதற்காக வாய்தா வைக்கப்பட்டுள்ள மேற்படி அசல் மனுவை, ரீ-ஓப்பன் செய்வதற்காக நான் இந்த மனுவை சமூகம் நீதிமன்றத்தில் தாக்கல் செய்துள்ளேன்.” Further for cross examination of RW1 the case came up on 12.12.2025, 09.01.2026 and 23.01.2026 so since even sufficient opportunities are granted and her counsel absence on 23.01.2026, the evidence of RW1 was eschewed. Considering the case is a family matter and considering the life of the Petitioner/wife, this Court is inclined to allow this petition on condition without any absence she has to present in the Court to complete the enquiry.

7. Result:-

In the result, the petition is allowed on condition without any absence she has to present in the Court to complete the enquiry. No costs.

This order is typed by the Typist directly in computer on my dictation, corrected and pronounced by me in open court on the 30th day of March 2026.

Subordinate Judge,
Panruti.

Petitioner Side witness and Documents : Nil

Respondent side Witness and Documents : Nil

Subordinate Judge,
Panruti.

Draft/Fair Order (AFT)
I.A.No. 4/2026
in
H.M.O.P.No. 15/2020
Date: 30.03.2026