



WEB COPY

CRP No. 4540 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4540 of 2026

Madharkhan

Petitioner(s)

Vs

Rasidha Banu

Respondent(s)

PRAYER

To set aside the docket order dated 09.07.2026 passed in OS (SR) No.124 of 2026 on the file of the Hon'ble Family Court, Perambalur by allowing the CRP.

For Petitioner(s): Mr.P.Thamizh Vendan

ORDER

This Civil Revision Petition has been filed, challenging the impugned docket order dated 09.07.2026 returning the plaint filed by the petitioner on the ground that the court does not have territorial jurisdiction to decide the suit.

2.The petitioner/plaintiff categorically contends that the suit is maintainable before the Family Court, Perambalur. The suit has been filed by the petitioner against the respondent for dissolution of his marriage with the respondent.



3.As seen from the docket orders, the petitioner's counsel was not heard by the Trial Court and the case was posted 'for maintainability' before the Court.

4.No prejudice would be caused to any of the parties if a direction is issued by this court to the Trial Court to list OS (SR) No.124 of 2026 pending on the file of the Family Court, Perambalur 'for maintainability' on a specified date and a direction is issued to the petitioner's counsel to argue the suit with regard to its maintainability on that specified date and if the Trial Court is convinced that the suit is maintainable, the Trial Court can number the suit if it is otherwise in order and issue summons to the respondents. Otherwise, the Trial Court will have to give reasons as to why the suit is not maintainable before the said court on account of lack of territorial jurisdiction.

5.Accordingly, since no opportunity of hearing was granted to the petitioner's counsel before passing the impugned docket order dated 09.07.2026, the impugned docket order dated 09.07.2026 passed by the Family Court, Perambalur in OS (SR) No.124 of 2026 is hereby set aside by this Court and the matter is remanded back to the Family Court, Perambalur for fresh consideration directing the Family Court, Perambalur to list OS (SR) No.124 of 2026 'for maintainability' on 19.08.2026. On that date, the petitioner's counsel shall try to convince the court with regard to the maintainability of the suit and



if the Family Court, Perambalur is convinced that the suit is maintainable, it shall number the suit if it is otherwise in order and issue summons to the respondents. Otherwise, the Family Court, Perambalur shall give reasons if it is not going to entertain the suit OS (SR) No.124 of 2026 on the ground of lack of jurisdiction. The aforesaid exercise is directed to be completed by the Family Court, Perambalur within a period of two weeks from 19.08.2026.

6.Registry is directed to return the original plaint filed in OS (SR) No.124 of 2026 to the learned counsel for the petitioner forthwith to enable the petitioner to re-present the same before the Family Court, Perambalur in order to list the suit before the Family Court, Perambalur on 19.08.2026.

7.With the above direction, this Civil Revision Petition is disposed of. No costs.

05-08-2026

vga

To

The Family Court, Perambalur



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ABDUL QUDDHOSE J.

vga

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