

In the High Court of Judicature at Madras

Dated : 08.1.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

Civil Revision Petition (PD) No.5042 of 2014

Mrs.S.M.Sithi Naseema rep.by her
power of attorney S.M.Abdul Rashid

...Petitioner

Vs

A.Jafer Ali

...Respondent

PETITION under Article 227 of The Constitution of India to direct the learned Principal Judge, Family Court, Chennai to number the O.S. filed in O.S.S.R.No.13059 of 2014 and take the same on its file.

For Petitioner : Mr.R.Sankarasubbu

ORDER

The petitioner, who claims to be the wife of the respondent, filed a suit before the Principal Family Court, Chennai praying for various reliefs including the relief of restitution of conjugal rights. The Family Court returned the papers on 17.12.2014 indicating a list of 8 defects. The petitioner complied with those defects and represented the same.

2. Thereafter, the papers were again returned on 23.12.2014, indicating two objections namely (i) that the prayers (b) and (c) are not admissible; and (ii) that the affidavit of the power agent was not enclosed. Therefore, the petitioner is before this Court.

(2)

V.RAMASUBRAMANIAN,J
RS

3. A look at the suit filed by the petitioner before the Family Court would show that though the prayers (b) and (c) are maintainable, they are not in the proper format. The petitioner is prepared to couch the prayers in the proper format for seeking the relief of restitution of conjugal rights. The petitioner is also prepared to file the affidavit of the power agent.

4. In the light of the above, the civil revision petition is disposed of directing the petitioner to represent the original papers before the Family Court, modifying the language, in which, the prayers (b) and (c) are couched, seeking a direction to the respondent/husband to restore the conjugal rights of the petitioner and for whatever injunction that the petitioner wants. The petitioner shall also file an affidavit of the power agent to the effect that the power is still in force. Once the petitioner represents the papers after complying with the defects, the Principal Family Court shall number the suit and dispose it of in accordance with law.

08.1.2015

Internet : Yes

To
The Principal Family Court, Chennai.

CRP(PD) No.5042 of 2014