



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19 - 01 - 2015
CORAM:
THE HON'BLE TMT. JUSTICE PUSHPA SATHYANARAYANA
CRP (NPD) (MD) No. 2754 of 2014

G. Bala Ganesh

.. Petitioner

Vs.

1. R. Suganthi
2. The Sub-Registrar
Rayapuram Sub-Registrar Office
Chennai

.. Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India as against the order dated 12.11.2014 in unnumbered O.S. of the year 2014 passed by the District Munsif, Sivakasi.

For Petitioner : Mr. N. Saravanan

ORDER

Challenging the order dated 12.11.2014 passed by the learned District Munsif, Sivakasi, in an un-numbered Original Suit wherein and by which the plaint was rejected on the ground of want of jurisdiction, the plaintiff has come up with the present Civil Revision Petition.

2. The case of the plaintiff, as narrated in the plaint, is that when he met the first defendant in August 2010, she was a student of the Dr. Ambedkar Law College staying in the Girls' Hostel of the College and since he was in search of job abroad and as the first defendant may have to go outside India after marriage with him, she applied for the Passport and Visa for which purpose, they planned to get the Marriage Registration Certificate with an intention to solemnize the marriage later. Accordingly, on 30.8.2012, the plaintiff and the first defendant registered their marriage in the office of the second respondent Sub-Registrar, Rayapuram, Chennai, and immediately, after the said registration, the plaintiff had left the country. The allegation of the plaintiff is that when he approached the first defendant subsequently to get married, she was evading the same. While so, according to the plaintiff, it came to his knowledge that the first defendant had already married one Venugopal even prior to the said registration of the marriage. Therefore, on return to India, he had sent notice to the second defendant on 07.10.2014 calling upon him to cancel the Marriage Certificate No. 2801/2012 and filed the above suit for the relief of declaration that the marriage registered on 30.8.2012 with the first defendant is null and void and for cancellation of the Marriage Certificate No. 2801/2012 in the office of the second defendant and also for costs.

<https://hcservices.ecourts.gov.in/hcservices/>
3. The learned District Munsif, Sivakasi, on consideration of the arguments advanced by the learned counsel for the plaintiff, refused to take the plaint on file on the ground of lack of jurisdiction and



accordingly, rejected the same. Hence, the plaintiff has projected the instant Civil Revision Petition.

4. Heard the learned counsel appearing for the petitioner and perused the records.

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5. From the materials available on record, it is seen that the plaintiff is residing in Iravaar Patty Village in Sivakasi, Viruthunagar District, while the first defendant is said to be residing in Aarani Taluk, Thiruvannamalai District. Admittedly, the marriage between the plaintiff and the first defendant was registered with the second defendant, viz., Sub-Registrar, Rayapuram, Chennai. It is further seen that the above suit has been filed invoking Section 11 of the Hindu Marriage Act, 1955 which would give rise to jurisdiction under Section 19 of the Hindu marriage Act.

6. At this juncture, it would be relevant to refer to Section 19 of the Hindu Marriage Act, which reads as follows:-

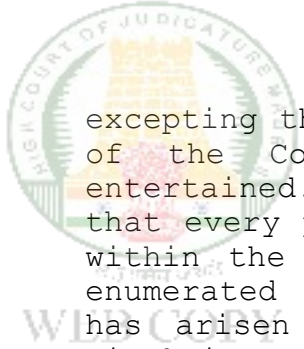
"S.19. Court to which petition shall be presented.--
Every petition under this Act shall be presented to the District Court within the local limits of whose ordinary civil jurisdiction--

- (i) the marriage was solemnised; or
- (ii) the respondent, at the time of the presentation of the petition, resides; or
- (iii) the parties to the marriage last resided together; or
- (iiia) in case the wife is the petitioner, where she is residing on the date of presentation of the petition, or

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7. A mere reading of the plaint averments would show that only the plaintiff / husband is living within the jurisdiction of the Court of District Munsif, Sivakasi and the respondent / wife is living in Aarani Taluk. That being so, the marriage was registered in Rayapuram, Chennai. It is pertinent to note at this juncture that the place of last residence of the parties immediately after the registration of the marriage is not mentioned in the plaint. In such circumstance, the learned District Munsif, Sivakasi, had not taken the suit on file on the ground that no part of cause of action arose within the jurisdiction of the Court.

8. When jurisdiction is conferred under the special enactment, viz., Hindu Marriage Act, Section 20 of the Code of Civil Procedure cannot be invoked for the sake of convenience. Even otherwise, when no part of cause of action arose within the jurisdiction



excepting the fact that the plaintiff has address within the jurisdiction of the Court of District Munsif, Sivakasi, the suit cannot be entertained. Section 19 of the Hindu Marriage Act clearly indicates that every petition under the Act can be presented to the District Court within the local limits of whose jurisdiction the cause of action as enumerated under the Section arose. As no part of cause of action has arisen within the jurisdiction of the Court of District Munsif, Sivakasi, and as the wife is presently living in Aarani Taluk and also in view of the fact that the marriage was registered in Chennai, this Court is of the considered view that the plaintiff cannot invoke the jurisdiction of the Court of District Munsif, Sivakasi and file the suit to cancel the Marriage Certificate and to declare the marriage as a nullity. Therefore, the learned District Munsif, Sivakasi, has rightly held that the said Court has got no jurisdiction to entertain the same. I find no material irregularity in the said order warranting interference of this Court.

In fine, the Civil Revision Petition fails and the same stands dismissed confirming the finding of the District Munsif, Sivakasi. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To
The District Munsif, Sivakasi.

Copy to
The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

Gri
SR : 23.02.2015 : 3p/3c

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