

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2044 of 2016
and
C.M.P.No.10652 of 2016

R.Kandasamy @ Kandan

... Petitioner

vs

A.Ramadevi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the return dated 08.01.2016 made in unnumbered petition filed in I.A.S.R.No.12115 of 2014 in I.A.No.3432 of 2008 in F.C.O.P.No.2290 of 2008 on the file of learned Principal Judge, Family Court, Chennai.

For Petitioner : Mr.G.Sumitra

ORDER

This revision arises against return of I.A.S.R.No.12115 of 2014 in I.A.No.3432 of 2008 in F.C.O.P.No.2290 of 2008 by learned Principal Judge, Family Court, Chennai, on 08.01.2016.

2. Heard learned counsel for petitioner.

3. In the light of Section 25(2) of the Hindu Marriage Act, 1955, the Court below totally is in error in returning the unnumbered petition on 08.01.2016. Petitioner, informing a change of circumstance, has sought modification of an earlier order of maintenance.

4. The Civil Revision Petition is allowed. The order of return of I.A.S.R.No.12115 of 2014 in I.A.No.3432 of 2008 in F.C.O.P.No.2290 of 2008 by learned Principal Judge, Family Court, Chennai, on 08.01.2016, is set aside. The Court below is directed to take the same on file, issue notice to the respondent, hear the parties on merits and pass appropriate orders. The observations made herein above does not in any manner touch upon the merits of the case, a decision whereupon lies solely in the hands of the Court below. No costs. Consequently, connected miscellaneous petition is closed.

Registry is directed to return the original impugned order to learned counsel for petitioner.

06.07.2016

Index:yes/no
Internet:yes
gm

To

The Principal Judge,
Family Court,
Chennai.

C.T.SELVAM, J

gm

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