

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

**C.R.P.(P.D.) No.3419 of 2016**

Dr.M.Divya

...Petitioner

versus

Dr.Arvind

...Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, against the return order dated 21.09.2016 passed by the learned Principal Family Court Judge, Chennai to take on file and number it in M.P.SR.No.9086 of 2016 in O.P.No.3601 of 2016.

For Petitioner : Mr.G.Mohanakrishnan

**ORDER**

The petitioner filed an application before the Trial Court to pass an order to waive the statutory period of six months to file original proceedings for divorce. The application was returned by the Trial Court without any remarks. Feeling aggrieved, the petitioner has come up with this Civil Revision Petition.

2. Heard the learned counsel for the petitioner.

3. The petitioner filed an application to waive the statutory period. The Trial Court was expected to number the application and pass an order on

merits. There is no question of returning the application without making any endorsement. I am therefore of the view that the matter requires consideration by the learned Judge, Principal Family Court, Chennai.

4. The learned Judge, Principal Family Court, Chennai, is directed to number the application filed by the petitioner in M.P.SR.No.9086 of 2016 in O.P.No.3601 of 2016 and pass appropriate orders on merits and as per law. However, I make it clear that the direction to number the application should not be construed to be a direction to allow the application. It is for the learned Judge to decide as to whether such an application is maintainable. The application shall be numbered within three days from the date of receipt of a copy of this order.

5. The Civil Revision Petition is disposed of with the above direction. No costs.

**04.11.2016**

Index : Yes/No

svki

**Note :**

1. Issue the order copy by 08.11.2016
2. Registry is directed to return the original papers to the petitioner after substituting the same with photocopy

To

The Principal Family Court,  
Chennai

**K.K.SASIDHARAN, J.**

(svki)

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