



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANIC.R.P(MD)No.142 of 2016

Anderson Subash

.. Petitioner

Vs.

Cynthia Jessie

.. Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to call for the records pertaining to the order rejecting the petition in Un-numbered I.D.O.P.No. Of 2015, dated 29.09.2015 on the file of the Family Court, Tirunelveli and set aside the same and consequently direct the Learned Family Judge, Tirunelveli to number the Un-numbered I.D.O.P.No. Of 2015 on his file and dispose the same on merits according to law within stipulated time.

For Petitioner : Mr.T.a.Ebenezer

ORDER

The petitioner is the husband. The respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 03.12.2012. The petitioner filed unnumbered I.D.O.P.Of 2015 against the respondent, for divorce, on the ground of cruelty. The petitioner filed marriage certificate and at that time it was found that the certificate did not found the signature of the authority. According to the petitioner, the petitioner obtained signature of the authority in the marriage certificate and represented the petition. The learned Judge without any basis and without any material has rejected the petition itself, on the ground that the petitioner has produced a marriage certificate without the signature of the marriage authority, when there was no signature in the original. The genuineness of the certificate produced by the petitioner can be decided only after the petitioner let in evidence. In the circumstances, the order of the learned Judge is set aside. The petitioner is directed to file the IDOP on such filing, the learned Judge is directed to take up the same on file if it is otherwise in order and decide the matter an ments and in accordance with law.

2.In the result, the Civil Revision Petition is allowed. No costs.

Sd/

Assistant Registrar



To

The Judge Family Court, Tirunelveli.

+1cc to Mr.T.A.Ebenezer Advocate in Sr.No.10104

CN/JGB-DP/11.03.2016/2P-3C

C.R.P (MD) No.142 of 2016 (PD)

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