



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11..2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P. NPD (MD) No.1951 of 2016

Jeyalakshmi

: Petitioner / Petitioner

Vs.

John Selvaraj

: Respondent / Respondent

Prayer: Civil Revision petition is filed under Article 227 of the Constitution of India, to set aside the order dated 05.04.2016 passed in unnumbered I.D.O.P.No. - of 2016 on the file of the Family Court, Tirunelveli and direct the Family Court, Tirunelveli, to take on file and number the petition filed by the petitioner under Section 10(1)(x) of Indian Divorce Amendment Act, 2001.

For Petitioner

: Mr.C.D.Johnson

For Respondent

: Mr.R.Boomirajan

O R D E R

The civil revision petition arises against the order dated 05.04.2016 passed in unnumbered I.D.O.P.No.- of 2016 on the file of the Family Court, Tirunelveli and direct the Family Court, Tirunelveli, to take on file and number the petition filed by the petitioner under Section 10(1)(x) of Indian Divorce Amendment Act, 2001.

2.According to the petitioners, she filed the unnumbered I.D.O.P. Of 2016 before the learned Family Judge, Family Court at Tirunelveli for divorce, dissolving the marriage solemnized between the petitioner and the respondent. However, the learned Family Judge, without numbering the same, rejected the application filed by the petitioner. Since, the petitioner was not given an opportunity to make her submission with regard to the maintainability of the original petition, he preferred the present revision before this Court.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the material available on records.

4.Considering the facts and circumstances of this case and considering the submissions made on either side, by consent of both parties, I am inclined to pass the following order.



(i) The order dated 05.04.2016 passed in unnumbered I.D.O.P.No.. of 2016 on the file of the Family Court, Tirunelveli is hereby set aside.

(ii) The matter is remitted back to the learned Family Judge, Tirunelveli and this Court direct him to number the said application filed by the petitioner for divorce and decide the matter on merits, subject to the objections raised by the respondent at the later stage.

5. With the above said direction, this civil revision petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The Family Judge, Tirunelveli.

+1 cc to Mr.C.D.Johnson, Advocate in SR No.66089

Order made in
C.R.P. NPD (MD) No.1951 of 2016
04.11.2016

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