



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) .No.268 of 2016 (PD)

and

C.M.P. (MD) .No.1078 of 2016

Ganesan

... Petitioner

Vs.

Rajeswari

... Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India against the judgment in unnumbered I.A register No.399 of 2016 in I.A.No.448 of 2016 on the file of the Family Court, Tiruchirappalli, Tiruchirappalli District.

For Petitioner

:Mr.A.Chandrakumar

For Respondent

:Mr.T.Senthil Kumar

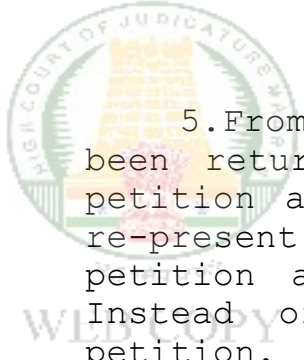
ORDER

This Civil Revision Petition is filed to call for the records pertaining to the unnumbered I.A register No.399 of 2016 in I.A.No.448 of 2016 in O.S.No.25 of 2015 on the file of the Family Court, Tiruchirappalli, Tiruchirappalli District and to set aside the return order passed in unnumbered I.A register No.399 of 2016 in I.A.No.4448 of 2016 in O.S.No.25 of 2015 dated 27.01.2016.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent. I have carefully perused the entire materials on record.

3.From the records, it is seen that the unnumbered I.A filed by the petitioner in I.A.No.448 of 2016 was returned on 27.01.2016 by the Family Court, Tiruchirappalli with regard to maintainability and for not filing affidavit.

4.The learned counsel appearing for the petitioner submitted that the learned Judge cannot return the application at the first instance. He further submitted that the learned Judge, while receiving the I.A, at the first instance, has to number the same and to decide the preliminary issue. Instead of doing so, the learned Judge has returned the said application, without considering the merits of the case.



5.From the records, it is seen that the unnumbered I.A has been returned only for non-filing of affidavit along with the petition and as to maintainability. It is for the petitioner to re-present the same along with affidavit in support of the petition and give reasons as to how the I.A is maintainable. Instead of doing so, the petitioner has filed the present petition.

6.In view of the above, the present civil revision petition is not maintainable and hence, it is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub AssistantRegistrar

To
The Family Court,
Tiruchirappalli,
Tiruchirappalli District.

Copy to:The Assistant Registrar,(Record)
Madurai Bench of Madras High court, Madurai

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

+1cc to Mr.A.Chandrakumar, Advocate SR.No.8626
+1cc to Mr.T.Senthil kumar, Advocate SR.No.8621

sm:An-MP:02.5.2016:2P/6C

C.R.P. (MD) .No.268 of 2016(PD)
and
C.M.P. (MD) .No.1078 of 2016
12.02.2016