



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.435 of 2016 (PD)

M.Radhika .. Petitioner

Vs.

G.Mariraja .. Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to set aside the order passed by the Hon'ble District Munsif, Virudhunagar in unnumbered O.S.S.R.No.3947 of 2015, dated 22.12.2015 in returning and rejecting the plaint filed by the petitioner in the suit and consequently allow the petition and direct the Honorable court to number the suit and issue summons to the respondents and try the suit and pass Judgment and Decree on merits in accordance with law.

For Petitioner : Mr.Lakshmi Gopinathan

ORDER

The Civil Revision Petition is against the order of rejection of plaint filed by the petitioner in the suit and for numbering the O.S.S.R.3947 of 2015. The petitioner prayed for a direction to the respondent to marry her and for injunction restraining the respondent from marrying anybody else. The learned Judge rejected the plaint after considering the averments made in the plaint and held that the petitioner is not entitled to the relief sought for in the plaint. Against the said rejection, the petitioner has come out with the present Civil Revision Petition.

2.The learned counsel for the petitioner submitted that the learned Judge failed to see that the petitioner and the respondent lived together as husband and wife for longtime. The petitioner gave a complaint to the Superintendent of Police, which was forwarded to the concerned police and in the police station, the respondent promised to marry the petitioner after she attains 21 years. Contrary to the said promise, the respondent refused to marry the petitioner. In the circumstances, the petitioner is entitled to the relief prayed for.



3.I have heard Mr.Lakshmi Gopinathan, learned counsel appearing for the petitioner and also carefully perused the entire materials on record.

4.From the records, it is seen that the petitioner has not made any allegation that the petitioner and respondent were living together as husband and wife for longtime. The learned Judge considering all the averments made in the plaint and passed the order rejecting the plaint. The learned Judge considered all the facts in proper perspective and has given valid reason for rejecting the plaint. In the circumstances, there is no reason warranting interference by this Court.

5.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif,
Virudhunagar.

+One cc to M/s.Polax Legal Solutions, Advocate, SR.No.10910

am
RL/3C/JGB/DP/10/3/2016

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