

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.3349 of 2017
and C.M.P.No.15564 of 2017

1. Velu Gounder
2. Palani
3. Venkatesan

... Petitioners

Vs.

Gowri

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decretal order passed in I.A.No.153 of 2017 in O.S.No.216 of 2006 dated 19.07.2017 on the file of the Additional District Munsif, Vandavasi, Thiruvannamalai District.

For Petitioners : Mr.V.R.Appaswamee

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ORDER

This Civil Revision Petition is directed against the order of dismissal of the petition for rejection of the plaint.

2. According to the learned counsel for the petitioner, the respondent/plaintiff is not at all entitled to any relief as per Section 16(3) of the Hindu Marriage Act. Therefore, the suit is barred.

3. Admittedly, the plaint reveals that there is marriage between the first defendant and the plaintiff's mother and she was born out of the said marriage. Whether the marriage is void or voidable can be proved only by adducing evidence. It is premature to decide the issue at this stage. Therefore, the trial Court has rightly dismissed the application in I.A.No.153 of 2017 filed under Order VII, Rule 11 of the Civil Procedure Code.

4. I do not find any discrepancy in the order. The learned counsel for the petitioners has stated that already the petitioner has filed written statement by making the objections therein.

6. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the order dated 19.07.2017 made in I.A.No.153 of 2017 in O.S.No.216 of 2006 passed by the trial Court.

Further, this Court issues a direction to the Additional District Munsif, Vandavasi, Thiruvannamalai District, to dispose of the suit in O.S.No.216 of 2006, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2017

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To

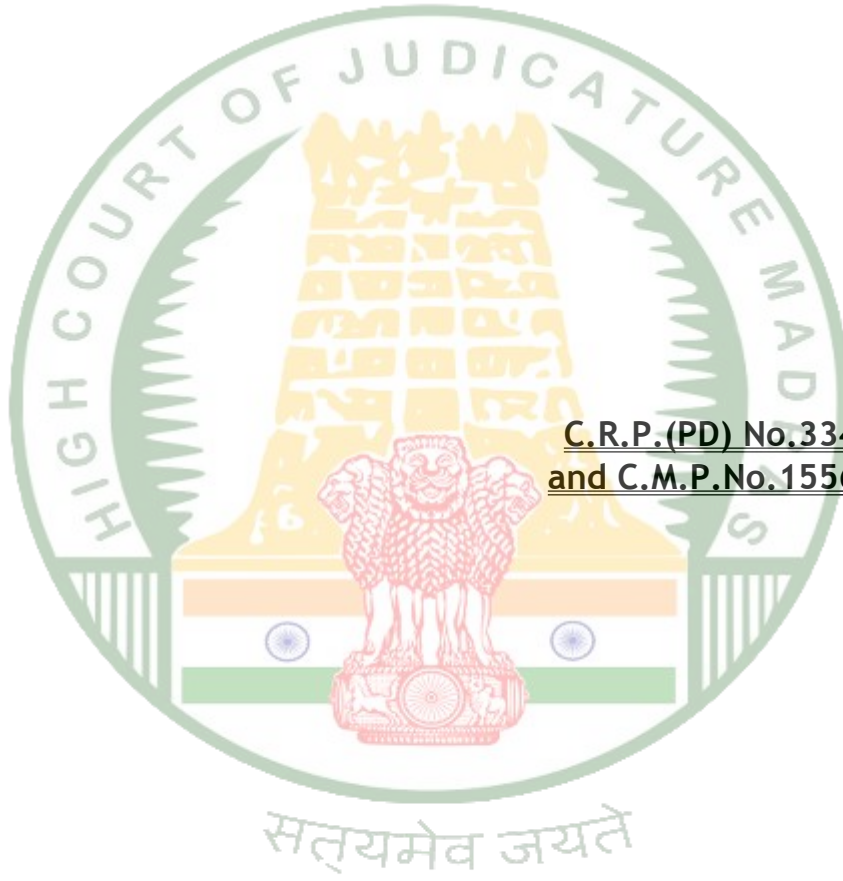
The Additional District Munsif, Vandavasi,
Thiruvannamalai District.

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M. GOVINDARAJ, J.

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