

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2017

Coram

THE HON'BLE MR.JUSTICE **D. KRISHNAKUMAR**

C.R.P.(NPD).No.3861 of 2017
and CMP.No.18024 of 2017

Gangaparameswari

...Petitioner

Vs.

N.Krishnan

...Respondent

Prayer:

Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to allow this revision petition and set aside the Judgement and decree dated 15.11.2016 passed in H.M.O.P.No.59 of 2016 on the file of Sub-Court, Harur.

For Petitioner : Mr.R.Neelakandan

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ORDER

The Civil Revision Petition has been filed by the petitioner praying to set aside the Judgement and decree dated 15.11.2016 passed in H.M.O.P.No.59 of 2016 on the file of Sub-Court, Harur.

2. The brief facts of the case is as follows:

The petitioner has filed a petition in H.M.O.P.No.59 of 2016 to declare the marriage held between the petitioner and the respondent as null and void. Thereafter, when the matter came up for hearing, by Judgement dated 15.11.2016, the Court below passed an exparte decree in favour of the petitioner. Challenging the aforesaid decree, the petitioner has filed the Civil Revision Petition before this Court on the ground that the respondent cheated the petitioner and obtained the decree in favour of the petitioner without aware of the contents and the relief in the OP.

3. According to the learned counsel for the petitioner, the petitioner was cheated and she was not willing to file the aforesaid HMOP for the aforesaid relief. After came to know the fact that decree was granted for nullity of the marriage, the petitioner has now filed the present Civil Revision Petition before this Court under Article 227 of the Constitution of India.

4. Heard the learned counsel for the petitioner and perused

the materials available on record.

5. In view of the above said facts, it is very clear that the petition in H.M.O.P.No.59 of 2016 has been filed in the name of the petitioner before the Sub-Court, Harur and an ex-parte decree was passed in the said HMOP. Now the present Civil Revision Petition has been filed before this Court by contending that the petitioner was aware of the nature of the said decree only after obtaining a certified copy of the decree.

6. According to the petitioner, even though the petitioner has signed the petition, she was not aware of the contents of the OP and the relief prayed for in the said OP. The respondent has fraudulently obtained the decree in the name of petitioner. The signature in the HMOP petition nor appearance of the petitioner has not been disputed. But, the grievance of the petitioner she was cheated by the respondent. The said factum of the fact cannot be decided under Article 227 of the Constitution of India. Further, if the petitioner is having any grievance, she has to work out her remedy before the appropriate court by filing an application or by filing an appeal. Therefore, this court is not inclined to entertain the Civil

Revision Petition.

7. In the result, the Civil Revision Petition fails. Accordingly, the Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

24.10.2017

Speaking/Non-speaking order

Index : Yes/no

Internet: Yes/No

(Note: Issue order copy on 24.10.2017)

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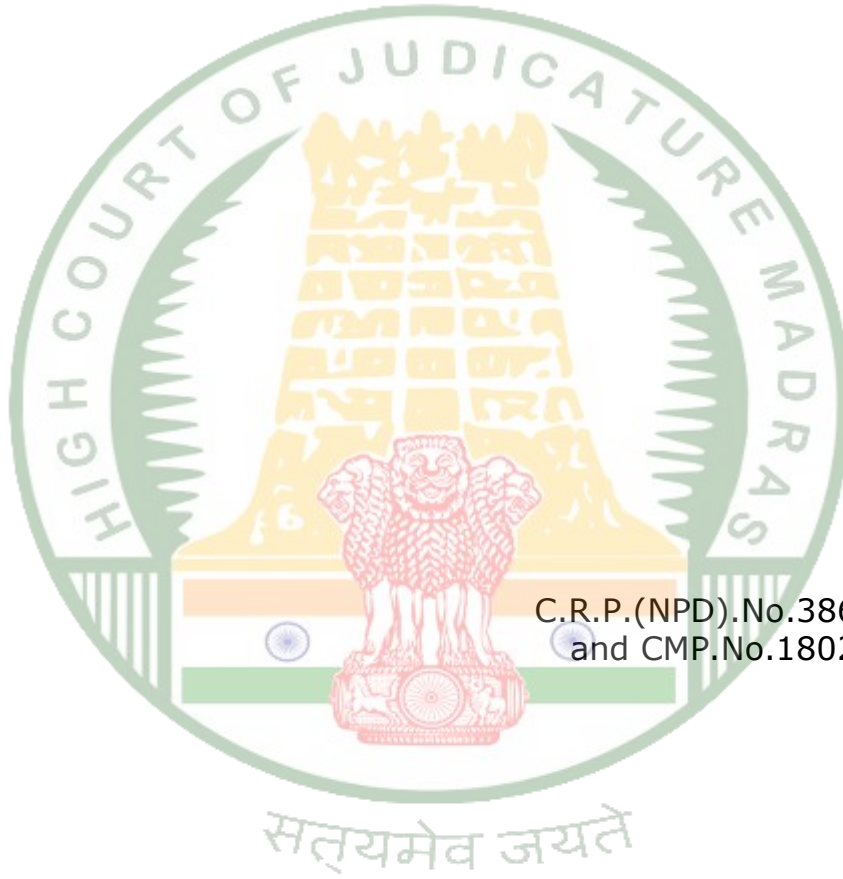
The Sub-Court,
Harur.



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D. KRISHNAKUMAR, J.

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