

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.4860 of 2011

E.Selvam

.. Petitioner

Vs.

1.P.Padmapriya

2.V.Kamalakannan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the return of H.M.O.P.S.R.No.9415 of 2011 dated 16.11.2011, on the file of the Subordinate Judge, Ranipet.

For Petitioner : M/s.P.A.Chitramanai

for Mr.Surya Prakash

For R1 : Mr.K.Mohanamurali

For R2 : Not ready in notice

ORDER

This Civil Revision Petition is filed against the return of H.M.O.P.S.R.No.9415 of 2011 dated 16.11.2011, on the file of the Subordinate Judge, Ranipet.

2. The petitioner filed H.M.O.P.S.R.No.9415 of 2011 to dissolve the marriage solemnised between the respondents herein, on 07.11.2011. According to the petitioner, he and first respondent loved each other and got married and stayed together for few days. Subsequently, the first respondent left the matrimonial home and she did not return back. In the H.C.P.No.732 of 2007 filed by the petitioner, the first respondent appeared before the Division Bench of this Court and stated that even though she had married the petitioner, subsequently, she voluntarily left the house of her husband and would like to stay with her parents. In view of such statement, the Division Bench of this Court ordered that "It is open to the petitioner to establish his right in accordance with law". When the marriage between the petitioner and first respondent was subsisting, the first respondent married second respondent. In such circumstances, he has filed the H.M.O.P.S.R.No.9415 of 2011.

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3. In view of the exparte decree dated 29.07.2009, passed in H.M.O.P.No.68 of 2007, obtained by the first respondent against the petitioner and the pendency of two applications in I.A.Nos.34 and 35 of 2011 filed by the petitioner to condone the

delay and set aside the exparte decree passed in H.M.O.P.No.68 of 2007, the present H.M.O.P.S.R.No.9415 of 2011 was returned.

4. Against the said order of return dated 16.11.2011 made in H.M.O.P.S.R.No.9415 of 2011, the petitioner has come out with the present Civil Revision Petition.

5. Heard the learned counsel appearing for the petitioner as well as the first respondent and perused the materials available on record.

6. The petitioner has filed H.M.O.P.S.R.No.9415 of 2011 to dissolve the marriage solemnised between the respondents on the ground that they got married while the marriage between the petitioner and first respondent was subsisting. From the materials available on record, it is seen that the first respondent has filed H.M.O.P.No.68 of 2007 for dissolution of marriage solemnised on 30.03.2007 between the petitioner and first respondent as null and void. An exparte decree was passed in favour of the first respondent on 29.07.2009. The petitioner has filed two applications to set-aside the exparte decree along with section 5 petition in I.A.Nos.34 and

35 of 2011. The marriage between the respondents was on 07.11.2011. In view of the above facts, there is no irregularity or illegality warranting interference by this Court, with the order of the learned Judge dated 16.11.2011.

7. In the result, this Civil Revision Petition is dismissed.

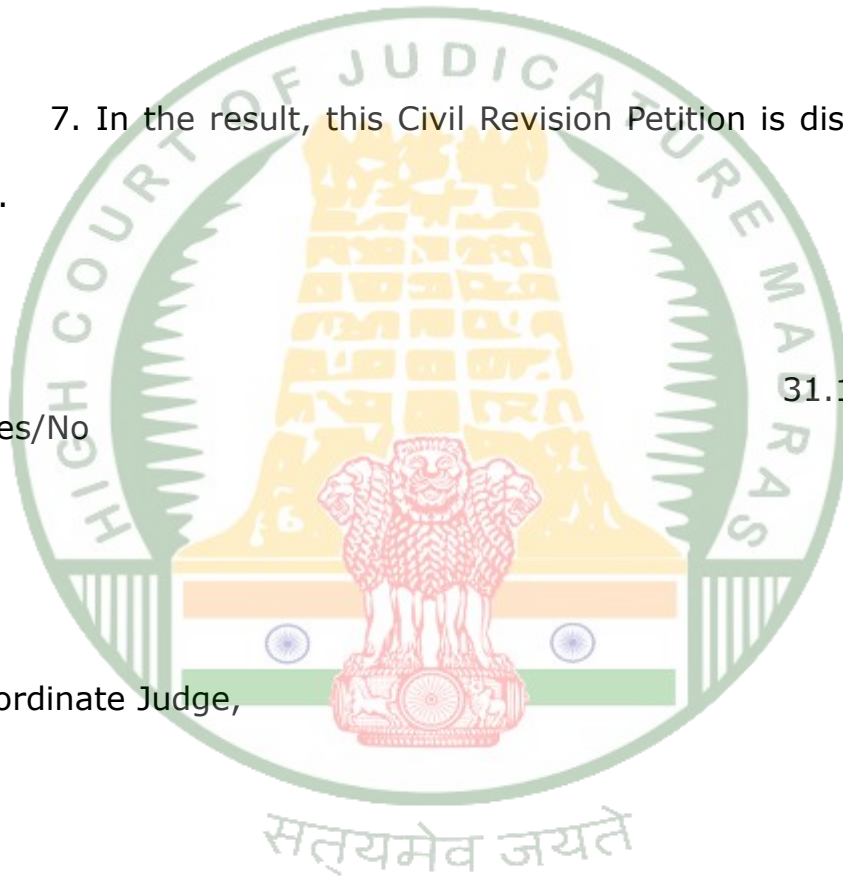
No costs.

Index: Yes/No
gsa

To

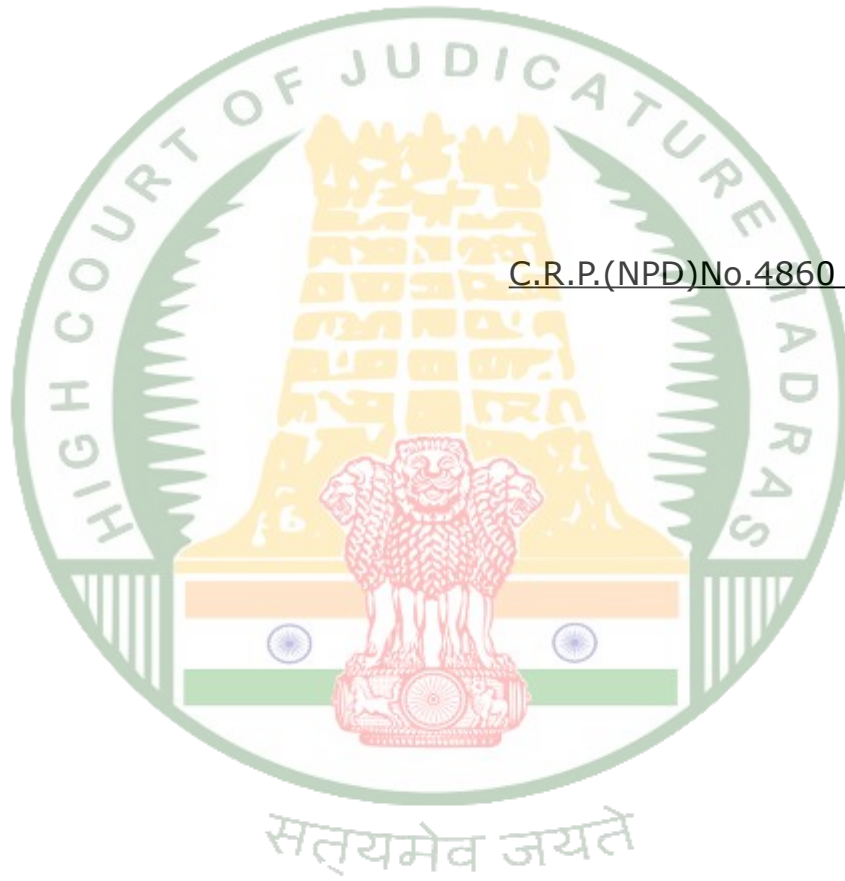
The Subordinate Judge,
Ranipet.

31.10.2017



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V.M.VELUMANI,J.
gsa



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