

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.P.D.No.3909 of 2016
and C.M.P.No.19867 of 2016

A.Sivaraman

.. Petitioner

-Vs.-

Deepti Kommana

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 23.08.2016 in O.P.No.471 of 2012 on the file of the Principal Judge, Family Court, Chennai.

For petitioner ... Ms.A.L.Gandhimathi

For Respondent ... Mr.A.Arulmozhi

O R D E R

The revision is directed against an order rejecting the plaint in a matrimonial proceedings.

2. The order impugned states that there is no territorial jurisdiction for the Original Petition filed by the husband for restitution of conjugal rights. Therefore, the trial Court has directed the petitioner to file an application under Order VII Rule 10 A of C.P.C, so that the O.P be returned and represented before the appropriate forum having jurisdiction.

3. Heard both sides for some time.

4. From the records, it is seen that the Original Petition was filed in the year 2012 and the same is now found to be without jurisdiction after four years. In the meanwhile, there were several interlocutory applications between the parties and decided by the Court. The trial has also come to an end. On the side of the plaintiff, evidence was already over. When R.W.1 examination is also over and an application to reopen the evidence was filed in I.A.No.2115 of 2015, which was dismissed, this Court is of the opinion that having allowed the parties to contest the case for the

last four years and brought the trial to an end and the arguments and the judgment are remaining, it may not be proper to direct the parties to go before different forum. Hence, with the consent of both the parties, the following order is passed.

5. The Principal Judge, Family Court, Chennai will hear the arguments of both the parties and deliver the judgment. It is stated that the matter is pending for so long, only for production of certain electronic documents for proof of the marriage. Now, the learned counsel appearing for the petitioner / husband submits that the said documents are available having produced the same from the Delhi Police. Though earlier application filed for summoning of the documents was dismissed, to give quietus to the whole issue, this Court permits the petitioner-husband to mark the said documents by recalling P.W.1. The learned counsel appearing for the respondent / wife fairly conceded to the same. It is stated that the date of next hearing is 04.02.2017. As the evidence may not be brought to the Court on or before 04.02.2017, the duplicate copy of the

documents marked, can be passed on to the other side. On 04.02.2017, P.W.1 will be recalled and the documents available with him may be marked on that day. On 06.02.2017, the arguments should be heard by the learned Principal Judge, Family Court, Chennai. In case of any difficulty in time constraint for the learned Judge, it may be adjourned to next date, however, not beyond 10.02.2017".

6. With the above said observations and directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2017

Note: Issue Order Copy on 25.01.2017

srn

To

The Principal Judge, Family Court, Chennai.

PUSHPA SATHYANARAYANA.J

C.R.P.P.D.No.3909 of 2016
and C.M.P.No.19867 of 2016

24.01.2017

<http://www.judis.nic.in>