



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.248 of 2017 (PD)

and

C.M.P. (MD) No.1142 of 2017

Vinodhini

...Petitioner/ Respondent

Vs

Vijayakumar

...Respondent/ Petitioner

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to call for the records relating tot he Hindu Marriage Original Petition filed by the respondent against the petitioner under section of 12(1)(c) of the Hindu Marriage Act in H.M.O.P.No.259 of 2016 on the file of the Family Court, Madurai District and to struck of the same as illegal and allow the Civil Revision Petition.

For Petitioner : Mr. R.Udhayakumar

ORDER

The petitioner has filed this Civil Revision Petition to call for the records relating to the Hindu Marriage Original Petition filed by the respondent against the petitioner under section of 12 (1)(c) of the Hindu Marriage Act in H.M.O.P.No.259 of 2016 on the file of the Family Court, Madurai District and to struck of the same.

2.The petitioner is the respondent in H.M.O.P.No.259 of 2016. The respondent filed H.M.O.P.No.259 of 2016 before the Family Court, Madurai for declaration to declare the alleged marriage was solemnized on 17.01.2016 between the respondent and petitioner as null and void. According to the respondent, by threat and coercion, he was forced to tie the Yellow rope on the neck of the petitioner and there is no ceremonies and marriage took place on that day. The petitioner and her family members along with one Kannan @ Marakkadaikannan a politically influenced person tress-passed into the respondent's house on 20.03.2016, threatened the respondent and his family members. On coming to know that the respondent came from Chennai and lodged a complaint to



the Inspector of Police, South Gate Police Station, Madurai. On 21.03.2016 the petitioner and respondent appeared before the police Station and police advised to seek remedy through the Court. Again on 25.03.2016 the mother of the respondent lodged a complaint against the petitioner and her family members before the Inspector of Police, South Gate Police Station. The Inspector of Police did not take any action. Therefore, the respondent filed HMOP., to declare the alleged marriage took place on 17.01.2016 as null and void.

3.The petitioner, has come out with the present Civil Revision Petition to strike out the HMOP., on the ground that the HMOP., has been presented within one year of marriage without complying the provisions of Section 141 of Hindu Marriage Act. The learned Judge without verifying the date of marriage i.e., 17.01.2016 between the petitioner and respondent taken the HMOP on file on 30.03.2016. According to petitioner, on 17.01.2016 marriage between petitioner and the respondent was conducted as per Hindu Customs and rites. The respondent presented the petition in HMOP No.259 of 2016 before the Family Court for invoking provisions under Section 12(1)(C) Hindu Marriage Act to declare the marriage as null and void. Therefore, prayed for strike of the HMOP.

4.I have heard the learned counsel appearing for the petitioner and also perused the entire materials on record.

5.From the materials on record, it is seen that the respondent is not seeking divorce. On the other hand, he is seeking relief of declaration to declare the marriage as null and void. In the circumstances, the learned Judge rightly taken the HMOP on file and the petitioner has not made out any case for exercising the extraordinary power of this Court under Article 227 of the Constitution of India.

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

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To
The Judge,
Family Court,
Madurai.

C.R.P (MD) No.248 of 2017 (PD)
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