



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.1398 of 2016 (NPD)

Binu Priyadharsini, .. Petitioner/Petitioner

Vs.

Moorthy, .. Respondent/Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, against the unnumbered H.M.O.P.No.... of 2016, on the file of the Principal Subordinate Court, Nagercoil.

For Petitioner : Mr.R.Murugan

For Respondent : No Appearance

ORDER

This Civil Revision Petition is filed against the unnumbered H.M.O.P.No.... of 2016, on the file of the Principal Subordinate Court, Nagercoil.

2. The petitioner is the wife and the respondent is the husband. The petitioner filed H.M.O.P. seeking divorce from the respondent before the Principal Subordinate Court, Nagercoil. According to the petitioner, she got married on 06.08.2008 at Kurunichi Aandavar Thirukovil, Kodaikanal. Two children were born in the wedlock. Subsequently, misunderstanding arose between the parties and therefore, both the petitioner and the respondent are living separately. Hence, the petitioner has filed H.M.O.P. seeking divorce from the respondent.

3. The learned Principal Subordinate Judge, Nagercoil, on 04.07.2016, returned the said H.M.O.P., directing the petitioner to file marriage invitation and marriage photograph to prove the marriage between the parties, within one month.

4. The petitioner has re-presented the same stating that because of the love marriage between her and the respondent, they have not printed the marriage invitation and the marriage photograph is with the respondent and she has produced copies of her and child's birth certificates. Again, the said H.M.O.P. was returned.

Nagercoil
showing +

7. In support of his submissions, the learned counsel for the petitioner relied on the order passed by this Court, dated 27.04.2016, in C.R.P.(MD)No.940 of 2016, wherein at paragraphs 2 to 4, it has been held as follows:

3. Proof of plaintiff allegations cannot be required at the stage of entertaining the suit and return of such ground is un-warranted.

8. Though notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either person or through counsel.

10. From the materials available on record, it is seen that the petitioner is seeking divorce from the respondent. In the circumstances, the learned Subordinate Judge, Nagercoil, has directed the petitioner to produce the proof of marriage. According to the petitioner, the respondent has accepted the marriage in the reply notice and the respondent has not denied the marriage.

<https://hcservicescourts.gov/hcservices/>



Marriage Act and decide the case on merits and in accordance with law after giving an opportunity to both the parties. The Civil Revision Petition is allowed. No costs.

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/True copy/

Sd/-
Assistant Registrar(P&A)

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Nagercoil.

Copy to: The Record Keeper,
VR Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.R.Murugan, Advocate SR.No.5651

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