



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2017

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

C.R.P (MD) No.2589 of 2016 (NPD)

WEB COPY

P.Vidya

....Petitioner/Plaintiff

Vs.

G.Nagaraj

....Respondent/Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to allow the above CRP thereby set aside the judgment and decree, dated 18.10.2016 passed in O.S.No.61 of 2016, on the file of the Learned District Munsif Court, Theni, Theni District.

For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.CM.Marichelliah Prabhu

ORDER

The petitioner has filed this Civil Revision Petition to set aside the judgment and decree, dated 18.10.2016 passed in O.S.No.61 of 2016, by the Learned District Munsif, Theni, Theni District.

2.The petitioner is the plaintiff and the respondent is the defendant. The petitioner filed suit in O.S.No.61 of 2016 to declare that the respondent is not her husband from 18.02.2016. According to the petitioner, she and respondent got married on 14.09.2008 as per Hindu Rites and Customs. Due to misunderstanding, both petitioner and respondent are living separately. On 18.02.2016 in the Panchayat held before the elders, their marriage was dissolved. The petitioner approached the respondent to get a decree of divorce from competent Court for her future marriage and removing the respondent's name from Government Records. The respondent refused to said request. Therefore, the petitioner filed the above suit for the above stated relief. The respondent did not file any written statement. The respondent filed a memo, dated 22.09.2016 to the effect that he has no objection for the decree being granted to the petitioner without costs.

3.The learned Judge considering the averments in the plaint and documents filed by the petitioner dismissed the suit holding that the petitioner is not entitled to relief sought in the suit as per Hindu Marriage Act. is only to get a decree as per the Provisions of Hindu Marriage Act.



4. Against the said order of dismissal of O.S.No.61 of 2016, the petitioner has come out with the present Civil Revision Petition.

5. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused all the materials available on record.

6. From the averments in the plaint, it is seen that the petitioner has admitted that the petitioner and respondent got married as per Hindu Rites and Customs. According to her, marriage between the petitioner and the respondent was dissolved by the Panchayat in the presence of elders as per the Customs. In the suit filed by her, she has not proved that there is a customs in their caste to dissolve the marriage in Panchayat and the same is valid. In the circumstances, the learned Judge has rightly dismissed the suit holding that the remedy available is only as per the provisions of Hindu Marriage Act. There is no illegality or irregularity in the order passed by the learned Judge warranting interference by this Court.

7. In the result, the Civil Revision Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The District Munsif Court,
Theni.

Copy To:

The Record Keeper, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO Mr.P.Sivachandran, Advocate, Sr No.10668

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23.02.2017

Am

MS/SV.MMS/8.3.2017/2P.