

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2018

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

CIVIL REVISION PETITION (PD) No.577 of 2018

Manikandan

.. Petitioner/Petitioner

vs

Asamenon

.. Respondent/Respondent

The Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Tambaram to number the HMOP (sr) No.13426 of 2017 on the file of the Sub Court, Tambaram.

For Petitioner

... Mr.S.Viswanathan

O R D E R

The Civil Revision Petition has been filed to direct the learned Subordinate Judge, Tambram to number the HMOP(sr) No.13426 of 2017 on the file of the Sub Court, Tambaram.

2.According to the learned counsel for the petitioner, the petitioner filed unnumbered H.M.O.P. before the Family Court, Chennai and the Court below returned the said unnumbered petition with the following endorsements:

"1.No territorial jurisdiction to try this petition.

2.Proof of joint living within the jurisdiction to be filed.

3.One more docket sheet to be attached."

3.Thereafter, on 24.11.2017, the petitioner represented the petition before the Sub Court, Tambaram and the Court below returned the said petition with the following endorsements:

"1.Respondent Government proof to be filed.

2.How this O.P is maintainable within this jurisdiction to be explained."

4.Accordingly, the learned counsel for the petitioner filed a proof namely, a copy of the gas connection bill, which is in

the name of the respondent explaining the defects pointed out by the Court below and again it was returned on 03.02.2018 with an endorsement that previous directions given on 24.11.2017 have not been complied with. Challenging order dated 03.02.2018, the present Civil Revision Petition has been filed before this Court.

5.Considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

6.On a perusal of the records, it is seen that the Court below simply returned the petition without giving any valid reasons. Hence, the petitioner is directed to furnish all the details before the Court below and if the Court below is satisfied, number the H.M.O.P.

7.The Registry is directed to return the original copy of the H.M.O.P.(SR) No.13426 of 2017 to the learned counsel for the petitioner after obtaining a xerox copy of the said petition. The learned counsel for the petitioner is directed to re-present the same before the Court below within a period of two weeks from the date of receipt of a copy of this order.

With the above directions, the Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

cla

To

1.The Sub Court, Tambaram.

2.The Section Officer V.R.Section High Court Madras.

+1cc to M/s.Dass & Viswa Law Associates S.R.No.12461

RRK(21/02/2018)

C.R.P.No.577 of 2018