

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2018

CORAM:

THE HONOURABLE **MS. JUSTICE V.M.VELUMANI**

C.R.P.(PD)No.1754 of 2018

Vijayalakshmi .. Petitioner

Vs.

Kumar .. Respondent

Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair and decretal order dated 15.03.2018 made in H.M.O.P.SR.No.9507 of 2018 on the file of the Sub Court, Thiruchengode.

For Petitioner : Mr.D.Ravichander

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 15.03.2018 made in H.M.O.P.SR.No.9507 of 2018 on the file of the Sub Court, Thiruchengode.

2. The petitioner is the wife and respondent is the husband. The

petitioner has filed H.M.O.P.SR.No.9507 of 2018 on the file of the Sub Court, Thiruchengode, for divorce. According to the petitioner, she and respondent got married on 09.09.2015 at Arulmigu Arthanareeshwarar Thirukoil, Thiruchengode, Namakkal District. At present, the petitioner is residing at Kamadhenu nagar, Avarampalayam, Coimbatore District and the respondent is residing at Ammapettai, Salem. In view of the present residence of both the petitioner and respondent, the learned Subordinate Judge, Thiruchengode, has returned the H.M.O.P. stating that "for the convenient of the parties neither Coimbatore nor Salem, case to be filed."

3. The learned counsel for the petitioner contended that as per Section 19(1) of the Hindu Marriage Act, 1955, H.M.O.P. can be filed before the Court within whose local limits the marriage was solemnised. The petitioner has produced marriage invitation to show that the marriage was conducted within the local limits of Sub Court, Thiruchengode.

4. In view of the above, order of the learned Subordinate Judge, Thiruchengode, dated 15.03.2018, is hereby set aside. The petitioner is

directed to represent the H.M.O.P.SR.No.9507 of 2018 before the Sub Court, Thiruchengode, within a period of two weeks from the date of receipt of a copy of this order. On such representation, the learned Subordinate Judge, Thiruchengode, is directed to number the same, if it is otherwise in order and proceed with the case in accordance with law.

5. Accordingly, the Civil Revision Petition is allowed. No costs. The Registry is directed to return the original H.M.O.P.SR. to the petitioner.

14.06.2018

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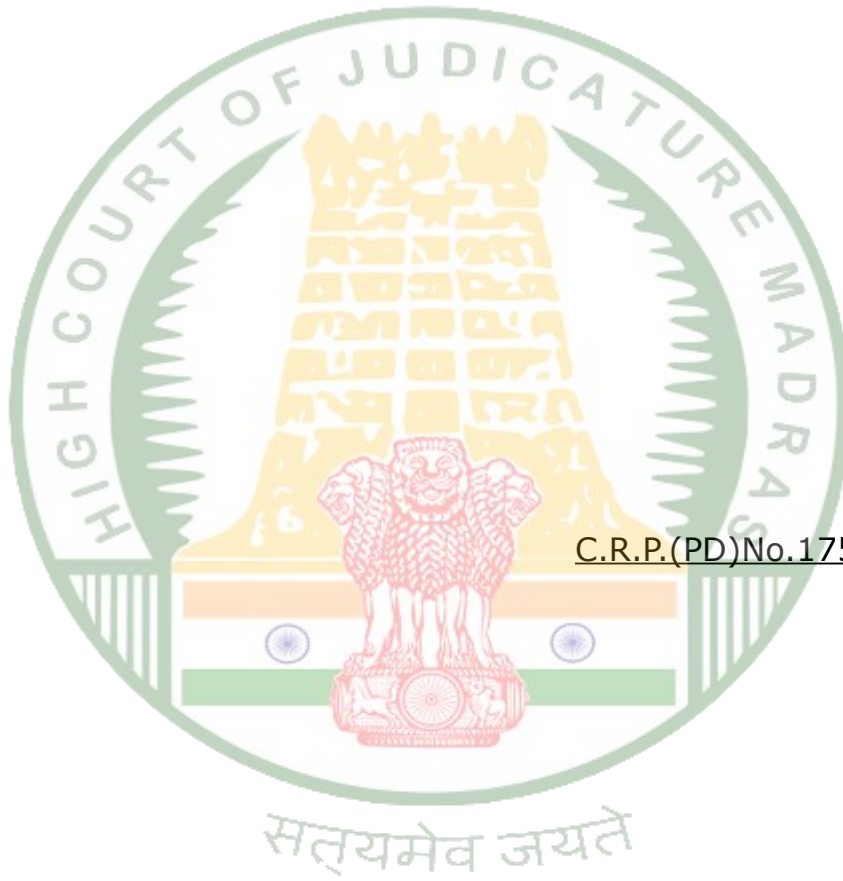
The Subordinate Judge, Thiruchengode.

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V.M.VELUMANI,J.

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