

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2018

CORAM

THE HON'BLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.759 of 2015
and M.P.No.1 of 2015

M.Kathiravan

.. Petitioner

Vs

K.N.Anitha

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Principal District Judge, Coimbatore to take on file the unnumbered C.M.A.No. Nil of 2014 and number the same in merits preferred against the fair and decretal order dated 15.04.2014 passed in H.M.O.P.No.80 of 2011 on the file of the II Additional Subordinate Judge, Coimbatore.

For Petitioner : Mr.S.Saravanakumar
for I.Abrar Md Abdullah

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed to direct the learned Principal District Judge, Coimbatore to take on file the unnumbered C.M.A.No. Nil of 2014 and number the same on merits, preferred against the fair and decretal order dated 15.04.2014 passed in

H.M.O.P.No.80 of 2011 on the file of the II Additional Subordinate Judge, Coimbatore.

2.Heard the learned counsel for the petitioner and perused the materials available on record.

3.Both the petitioner/husband and respondent/wife filed H.M.O.P.No.80 of 2011 under Section 13(b) of Hindu Marriage Act, 1955. The said H.M.O.P was decreed by the order dated 15.04.2014, dissolving the marriage conducted on 22.10.2008 between the petitioner and respondent.

4.Against the said order dated 15.04.2014, the petitioner filed appeal before the Principal District Judge, Coimbatore. The said C.M.A was returned for various defects pointed out therein. The petitioner, without complying the said return and re-presenting the same, filed the present Civil Revision Petition.

5.The learned counsel for the petitioner made submissions on merits with regard to the maintainability of C.M.A.No. Nil of 2014. The petitioner has to comply with the returns and state as to how the C.M.A is maintainable and re-present the same.

6. In view of the same, the Civil Revision Petition is disposed of granting two (2) weeks time from the date of receipt of a copy of this order, to the petitioner to re-present the returns after complying the same. If the appeal is re-presented as directed, within the time stipulated by this Court, the learned Judge is directed to consider the compliance of the petitioner on merits and decide the same. No costs. Consequently, connected Miscellaneous Petition is closed.

05.01.2018

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Index::Yes/No

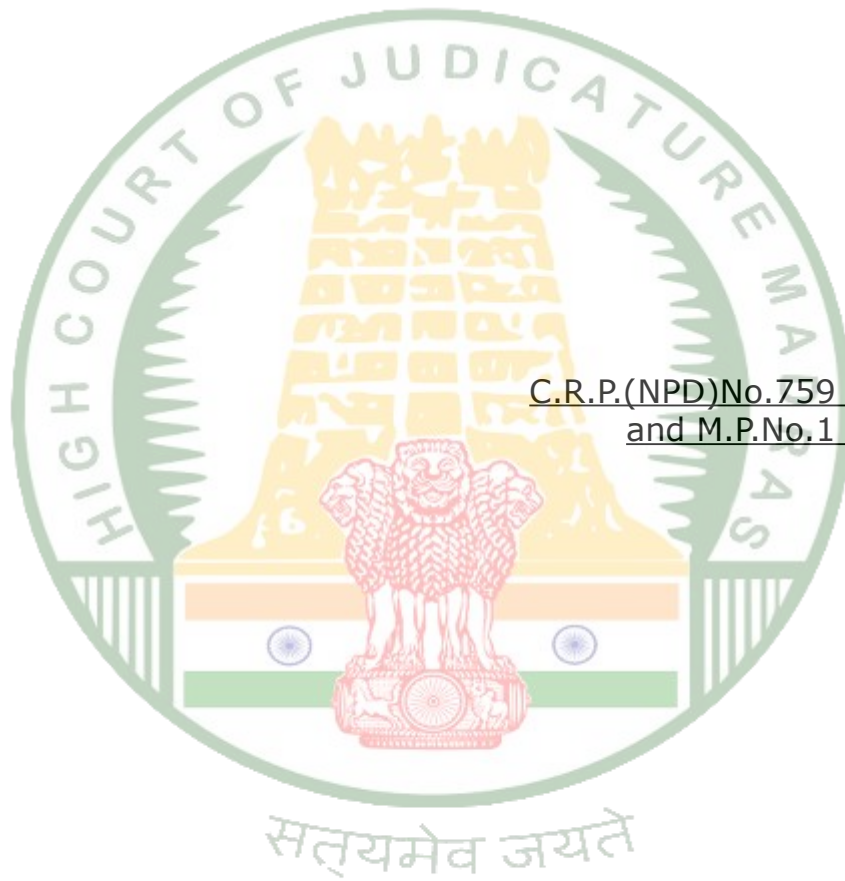
Note: Registry is directed to return the original petition.

To

1. The II Additional Subordinate Judge,
Coimbatore.
2. The Principal District Judge,
Coimbatore.

V.M.VELUMANI,J.

gsa



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