

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) No. 3824 of 2018

S.Mariswari

...Petitioner

Vs

Opathya Jebaraj

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned District Munsif, Thiruppur to number the unnumbered suit in O.S.No. Of 2018.

For Petitioner : Mr.P.Ravishankar Rao
for M/s.L.Mouli

ORDER

WEB COPY

Order 32-A, Rule 1(2) of CPC provides for declaring a marriage as null and void and as such, the present suit is maintainable.

M.S.RAMESH.,J

hvk

2. We are constrained to observe here that the Registry has no authority to return plaints of this nature, questioning the maintainability on legal provision, which can be an issue before the Trial Court alone. There is no provision contemplated either under the Civil Procedure Code or under the Civil Rules of Practice empowering the Registry to return the plaint on these grounds of maintainability.

3. The learned District Munsif, Thiruppur is called upon to instruct his Registry to number the suit, if it is otherwise in order, within a period of one week from the date of receipt of copy of this order.

4. Accordingly, the Civil Revision Petition stands disposed of. No costs.

03.12.2018

Index:Yes/No

Speaking Order: Yes/No

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(Note: Registry is directed to return the original plaint to the petitioner)

To
The District Munsif,
Thiruppur.

C.R.P. (PD) No.3824 of 2018