



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No.1130 of 2018
and
C.M.P. (MD) No.4838 of 2018

L.Velu

... Petitioner

Vs.

Anbukkarasi

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the H.M.O.P.No.189 of 2017 on the file of the Family Court, Tirunelveli and strike off the same.

For Petitioner : Mr.D.Selvaraj

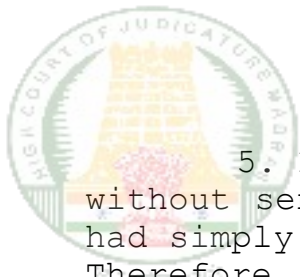
O R D E R

The petitioner, who is the respondent in H.M.O.P.No.189 of 2017 filed by his wife/the respondent herein for divorce before the Family Court, Tirunelveli, has filed the present civil revision petition to strike off the plaint.

2. The case of the petitioner is that after numbering the case, without sending the matter to the mediation or conciliation centre and without giving any opportunity for reunion of the parties, the learned Judge has proceeded with the case for hearing. Therefore, the petitioner wants this Court to strike off the plaint in H.M.O.P.No.189 of 2017, by invoking the jurisdiction of this Court guaranteed under Article 227 of the Constitution of India.

3. I have heard the arguments put forth by the learned Counsel appearing for the petitioner and perused the records carefully.

4. It is my absolute view that in respect of matrimonial matters filed by the parties by invoking Family Court Act or Hindu Marriage Act, etc., no parties should have right to file any application under Article 227 of the Constitution of India to reject the plaint. This was considered by me in various judgments. Therefore, the present civil revision petition filed by the petitioner, in my considered opinion, is absolutely not maintainable.



5. But, the case of the petitioner is that the learned Judge, without sending the matter to the mediation or conciliation centre, had simply proceeded with the case for further hearing and disposal. Therefore, I am inclined to pass the following orders:-

- this civil revision petition is not maintainable and the same is accordingly dismissed;
- the learned Judge, Family Court, Tirunelveli, is directed to refer the matter for mediation or conciliation proceedings within a period of one week from the date of receipt of a copy of this order;
- on receipt of the same, the authority concerned, ie., the authority incharge for the mediation / conciliation proceedings shall issue notice to both the parties and proceed further and thereafter, conclude the proceedings within a further period of six weeks;
- the learned Judge, Family Court, Tirunelveli, on receipt of the mediation / conciliation report, shall proceed with the matter, in accordance with law;
- there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

The Judge, Family Court,
Tirunelveli.

GK

TE/SB/SAR-1 : 26/06/2018 : 2P/2C

C.R.P. (MD) No.1130 of 2018
12.06.2018