



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

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C.R.P. (PD) (MD) No.773 of 2017

K.Mohamed Mohaideen ... Petitioner/Plaintiff

Vs.

Ahamed Fathima Roshan ... Respondent/Defendant

Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal District Munsif, Tenkasi, to number the plaint presented by the petitioner, initially, on 06.03.2017 in O.S.SR.No.2019/2017, within a time frame to be fixed by this Court.

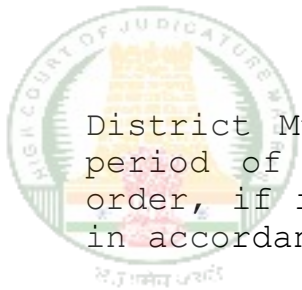
For Petitioner : Mr.D.Venkatesh

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Principal District Munsif, Tenkasi, to number the plaint presented by the petitioner, initially on 06.03.2017 in O.S.SR.No.2019/2017, within a time frame to be fixed by this Court.

2.The petitioner, who is the husband of the respondent, has filed a suit for restitution of conjugal rights against the respondent/wife before the Principal District Munsif Court, Tenkasi. The plaint was returned by the learned Principal District Munsif, Tenkasi, for certain compliances. Therefore, the petitioner has filed three documents, viz., (a) Marriage Registration Certificate issued by the AL-JAMI'AL AZ'HER JUM'AH MASJID, dated 03.11.2002; (b) Registered Marriage Deed of the petitioner and the respondent, dated 05.11.2002; and (c) Residential Certificate issued by the Rajmiyan Jumma Pallivasal, Tenkasi, to the petitioner, dated 11.03.2017, to show the jurisdiction of the Court. Without accepting the same, the learned Principal District Munsif, Tenkasi, has again returned the plaint stating that the third document submitted by the petitioner is not a sufficient proof to show that he is/was residing under the jurisdiction of the Court.

3.On perusal of the records, this Court is of the view that the reason assigned by the learned Principal District Munsif, Tenkasi, for returning the plaint is not correct. Hence, the order of the Court below is totally illegal and therefore, the said order is liable to be set aside. Accordingly, the same is set aside and the Civil Revision Petition is allowed. No costs. The learned Principal



District Munsif, Tenkasi, is directed to number the suit within a period of two weeks from the date of receipt of a copy of this order, if it is otherwise in order and decide the suit on merits and in accordance with law.

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/True Copy/

Sd/-

Assistant Registrar(RTI)

Sub Assistant Registrar(CS-III)

To

1. The Principal District Munsif,
Tenkasi.
2. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**
3. The Section Officer E.R.Section,
Madurai Bench of Madras High Court, Madurai.

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ES/RP/SAR 3/30.08.2018/2P/5C