



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P.(PD)(MD)No.2323 of 2016

WEB COPY

Gnanaselvam

...Revision Petitioner

Vs.

Suba

... Respondent

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the non-speaking order of return in I.A.No.unnumbered / 2016 dated 26.09.2016 in H.M.O.P.No.11 of 2016 and direct the Hon'ble Family Court, Tirunelveli to number the unnumbered I.A./2016 and allow the Civil Revision Petition.

For petitioner : Mr.J.Jeyakumaran

For Respondent :Mr.Karthickeyan Venkatachalapathy

ORDER

The revision petitioner herein filed H.M.O.P.No.11 of 2016 before the Family Court, Tirunelveli, to declare that the marriage said to have been taken place between the parties is null and void. The respondent has filed H.M.O.P.No.902 of 2016 before the Family Court, Madurai for restitution of conjugal rights. In the meanwhile, H.M.O.P.No.11 of 2016 came to be dismissed for default. To restore the same, the present I.A., was filed. Even without numbering the same, the Court below has returned it. Questioning the same, this Civil Revision Petition has been filed.

2.I am of the view that the petitioner must be given due opportunity to pursue his H.M.O.P. Therefore, the learned Family judge, Tirunelveli is directed to restore the H.M.O.P.No.11 of 2016. Since, the respondent also has filed a restitution petition, in the very nature of things, both the petitions will have to be heard together. H.M.O.P.No.11 of 2016 is withdrawn from the Family Court, Tirunelveli and transferred to Family Court, Madurai, to be jointly tried with H.M.O.P.No.902 of 2016.

3.Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To:

1. The Judge,
Family Court, Tirunelveli.

2. The Judge,
Family Court, Madurai.

• 1 CC TO Mr.J.Jeyakumaran, ADVOCATE IN SR No. 83048

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ORDER MADE IN
C.R.P. (PD) (MD) No.2323 of 2016

07.09.2018