

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No.2449 of 2018

and

C.M.P.No.15011 of 2018

G. Sam William Carter

...Petitioner

Vs

S.Mariyal

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 17.07.2018 in I.A.No.1178 of 2017 in O.P.No.4770 of 2015 on the file of the learned VII Additional Judge, Family Court, Chennai.

For Petitioner : Mr.G.S.Thilagavathi

For Respondent : Mr.P. Anandan
for M/s.Majestic Law Firm

ORDER

The above Civil Revision Petition is filed challenging the order passed in I.A.No.1178 of 2017 in O.P.No.4770 of 2015 on the file of the learned VII Additional Judge, Family Court, Chennai, which is an application filed by the revision petitioner for objection to the jurisdiction of the Family Court at Chennai stating that there was no part of the cause of action arising in Chennai. Since the parties are residing at Manapakkam the respondent wife has given a false address at Chennai. In the documents that have been filed in the typedset of papers, there is a Rental Agreement in which the wife has entered into an Agreement between her and Mr.Sethuraman on 25.06.2014. In the said Rental Agreement, the address of the respondent has been given as "residing at No.30 'A', 3rd Cross Street, BHEL Nagar, Manapakkam, Chennai – 600 125".

2.The learned counsel for the respondent wife has further stated that both the husband and wife moved to Manapakkam simultaneously when O.P.No.4770 of 2015 was filed for divorce and the address of the husband has been given as "No.30-A, 3rd Cross Street, Bel Nagar, Manapakkam, Chennai – 600 125" which is the same address as has been given as the address of the wife is in the Rental Agreement entered as early in the year 2014. That apart, in the affidavit filed in support of the petition seeking interim maintenance, the address of the respondent wife has been shown as "N0.18-B, K.G. Appartments, Jaya Balaji Nagar, Chennai – 600 078" as address only in the petition for interim maintenance. This Agreement is the one that has been entered on 25.06.2014 just before the filing of the O.P. Therefore, it is amply evident that the wife has used false address to convert the jurisdiction of the Family Court at Chennai. The learned VII Additional Judge, Family Court, Chennai, has not considered

these documents and simply dismissed the application stating that the Original Petition had been pending from 2015 onwards and the application has been taken belatedly in the year 2017. It is open to the petitioner to take defence at any point of time and the learned Judge has not considered the above and therefore, the orders suffers from perversity and the order of the learned VII Additional Judge, Family Court, Chennai, is set aside.

This Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

25.03.2019

Index : Yes/No
Internet : Yes/No
mps

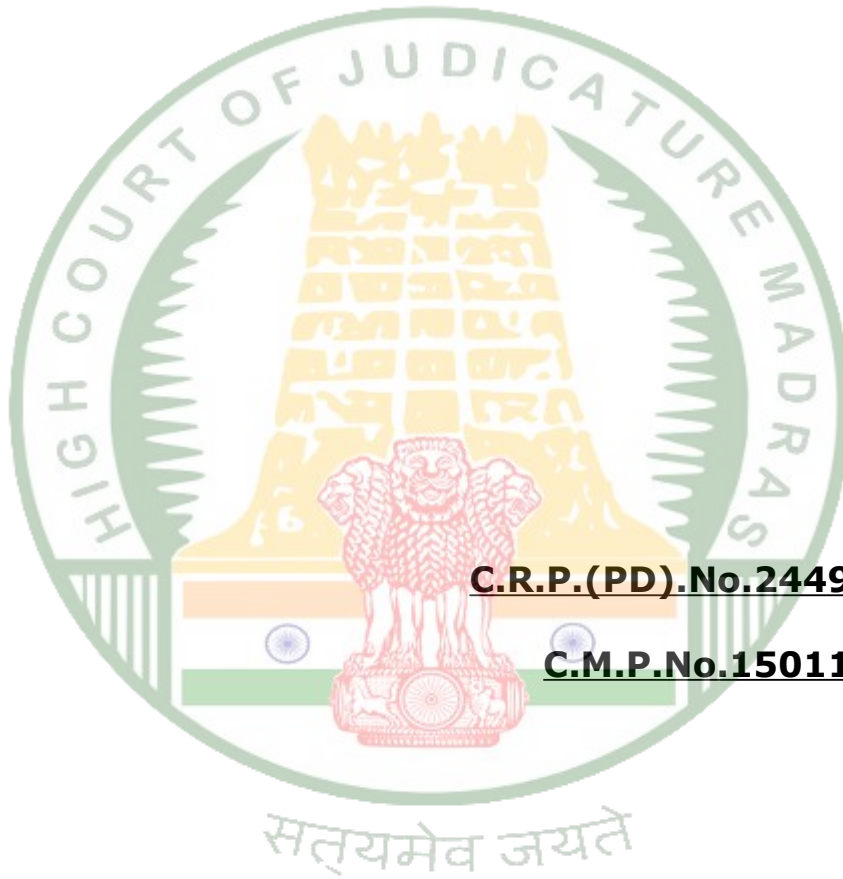
To

The VII Additional Judge,
Family Court,
Chennai.

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P.T. ASHA, J,

mps



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