

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.2576 of 2019

Nithinchanth

... Petitioner

Vs.

Suriya Priya

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the order dated 26.07.2019 returning of interlocutory application I.A.(sr) No.1482 of 2019 filed in H.M.O.P.No.94 of 2018 on the ground of maintainability by the registry of the Subordinate Court, Mettupalayam.

For Petitioner : Mr.G.Naresh Kumar

For Respondent : No Appearance

ORDER

The wife filed a divorce petition in H.M.O.P.No.94 of 2018 on the file of Subordinate Court, Mettupalayam, against the husband. The

petitioner/husband claims that he is a Malayalee, he does not know Tamil and hence, he seeks for translation of divorce petition in English.

2. The trial Court has found that respondent/husband has already filed a counter statement and the matter has been posted for trial, where the respondent/wife has already filed a proof affidavit. At the stage of cross examination, the petitioner seeks translated version. If at all he requires the version either he has to translate it by himself or should get a translated copy from wife. He cannot demand a translated version from the Court. The trial Court has returned the paper giving one month time to explain as to how the petition can be entertained. Without complying with the return, the petitioner has approached this Court seeking a direction to the trial Court to number the application and pass orders. He would rely on the judgment of Hon'ble Supreme Court in SLP.Cr.No.1832/2019 dated 29.03.2019. The return is not on maintainability, but to explain as to how he can seek translated version, when he himself filed a proof affidavit in Tamil. It is the duty of the petitioner to comply with the return and then seek for numbering the petition. Hence, approaching this Court directly without complying with the return is not correct.

3. Accordingly, the Civil Revision Petition is dismissed. No costs. Registry is directed to return the original impugned order to the petitioner.

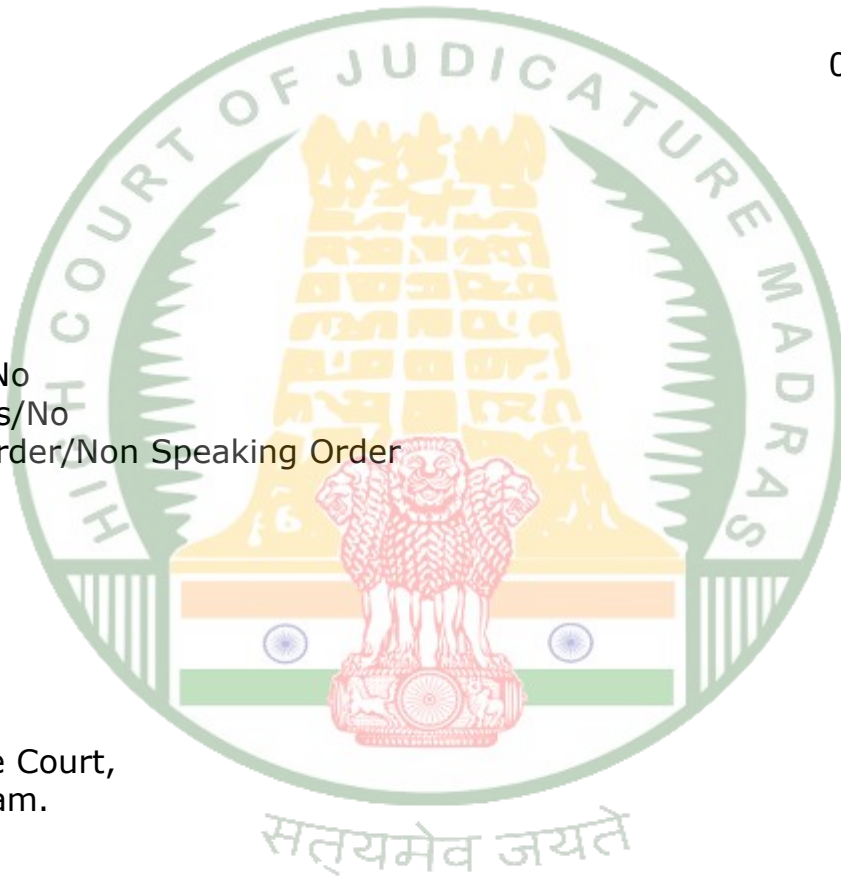
09.08.2019

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Index:Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order

To

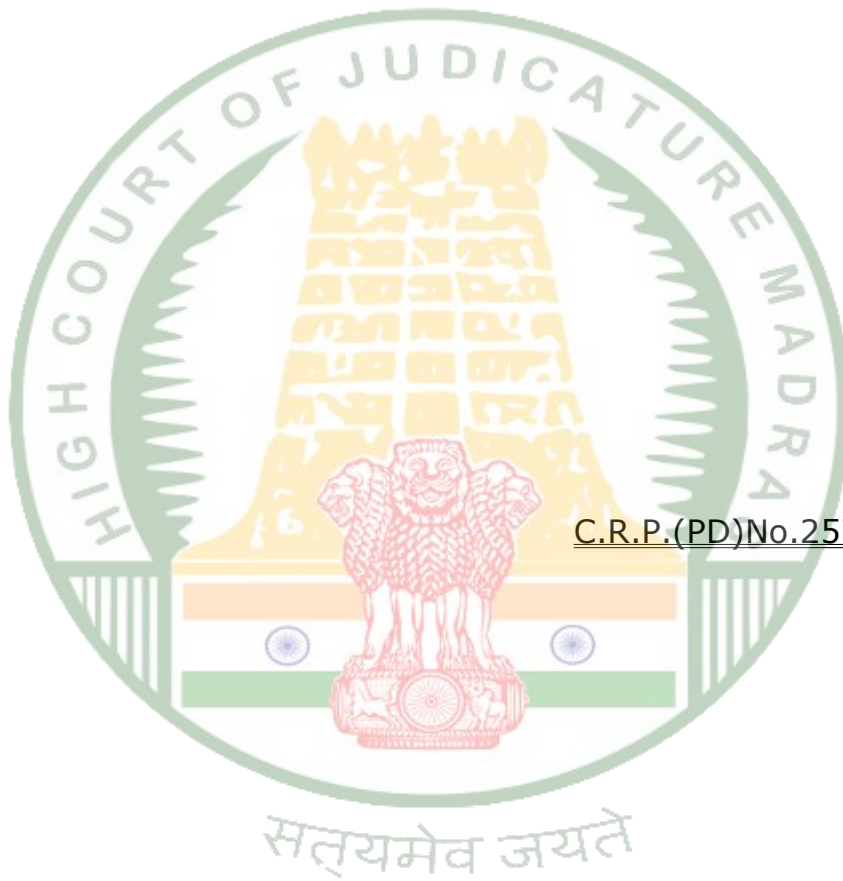
The Judge,
Subordinate Court,
Mettupalayam.



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M. GOVINDARAJ, J.

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