

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (NPD) No. 3525 of 2018

S.Varadharajan ...Petitioner

Vs

S.Pratima ...Respondent

Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the docket order dated 06.10.2018 made in O.P.SR.No.14530 of 2018 on the file of the Principal Judge, Family Court, Chennai returning the petition in O.P.SR.No.14530 of 2018 and further direct the Hon'ble Family Court, Chennai to take up the divorce petition on the file and allow the Civil Revision Petition.

For Petitioner : Mr.S.Udhaya Kumar

For Respondent : Mr.G.Thiyagarajan

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ORDER

When the respondent filed application for restitution of conjugal rights, which has been entertained by the Family Court at Chennai, the present order rejecting the petitioner's application for divorce on the ground of jurisdiction may not be proper.

2. Furthermore, such ground can be an issue in the main petition and the rejection of the unnumbered OP is not proper. The learned counsel for the respondent also ratified that the respondent's application for restitution of conjugal rights has been entertained by the same Family Court.

3. In the light of the observations made, the docket order dated 06.10.2018 in OP(SR) No. 14530/2018 is set aside. Consequently, the learned Principal Judge, Family Court, Chennai is called upon to direct his registry to number O.P.(SR) No.14530/2018, if it is otherwise in order, within a period of one week from the date of receipt of copy of this order.

4. With the above observations, the Civil Revision Petition stands ordered. No costs.

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21.01.2019

Index:Yes/No

Speaking Order: Yes/No

mrn

M.S.RAMESH.,J
mrm



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