

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P (PD) No.1753 of 2020

Manjula ... Petitioner

Vs.

Loganathan ... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 17.06.2020 in unnumbered H.M.O.P.(D).No.180 of 2020 on the file of the Sub Court, Tambaram.

For Petitioner : Mr.R.Subramanian

ORDER

The petitioner/wife filed a petition for divorce in H.M.O.P.(D).No.180 of 2020 before the Subordinate Judge, Tambaram, but, the same was returned for non-production of marriage registration certificate. Aggrieved over the same, the petitioner has come before this Court by way of the present Civil Revision Petition.

2. The factum of marriage and the relationship is proved by other documents. Only because, the marriage was not registered, it will not nullify the marriage. The factum of other events has to be gone into by the Court.

3. The learned counsel for the petitioner would rely on the judgment of this Court in the case of ***Manimegalai Vs.Selvaraj Kannan*** reported in **2019 (6) CTC 9**, wherein, this Court has held that the non-registration of the rental agreement is not a condition precedent for entertaining the petition likewise non-registration of marriage is not a bar for entertaining a petition for divorce and also the judgment of the Hon'ble Supreme Court in the case of ***P.Surendran Vs. State, by Inspector of Police*** reported in **2019 (2) CTC 920**, wherein, it has been held that numbering the petition is only an administrative function and application of judicial mind into merits of the case is not required at that stage.

4. Considering the submissions made by the learned counsel for the petitioner, a direction is given to the Subordinate Court, Tambaram to take up the matter and number the petition filed by the petitioner/wife and pass orders on merits.

With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

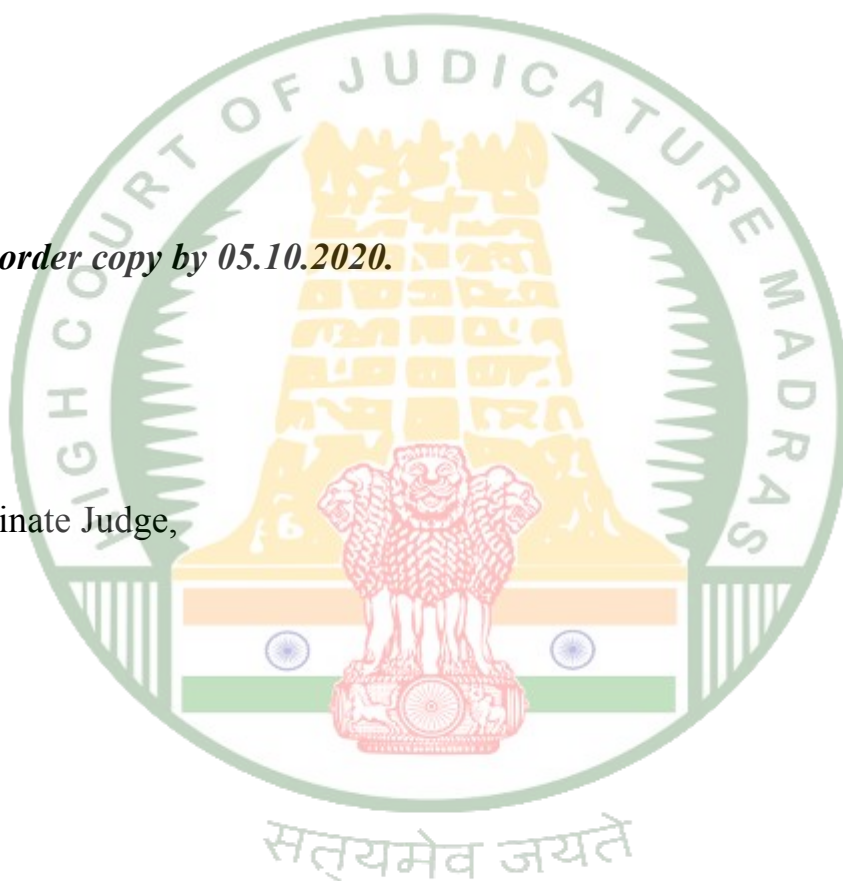
30.09.2020

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Note: Issue order copy by 05.10.2020.

To

The Subordinate Judge,
Tambaram.

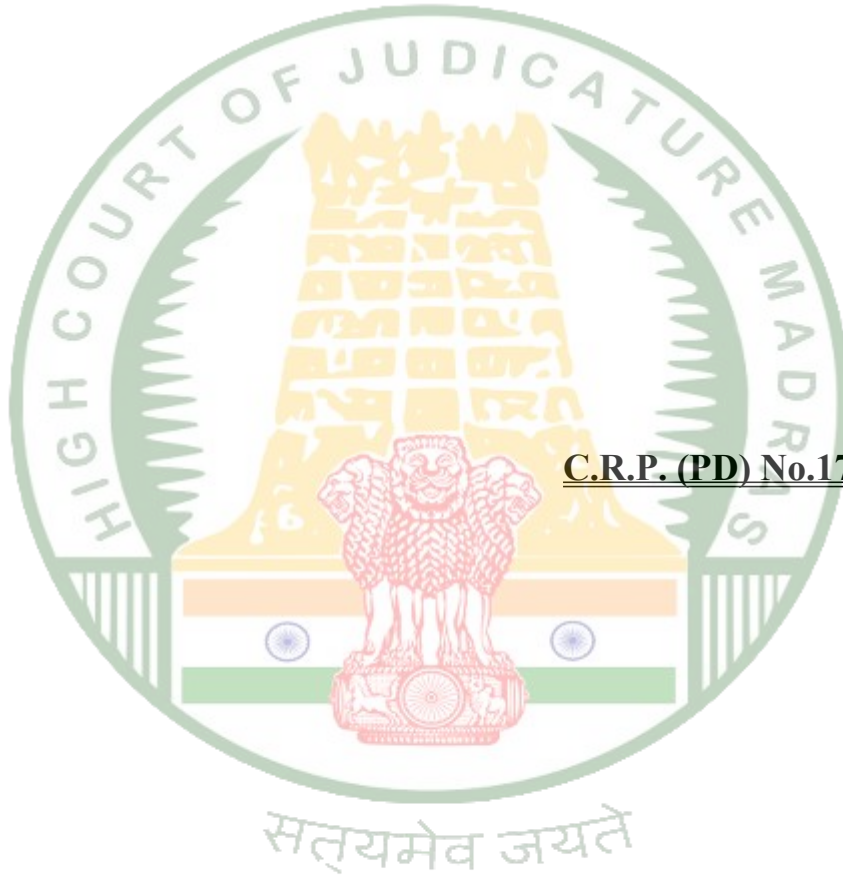


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M.GOVINDARAJ, J.

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