



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD) No. 656 of 2020

G.Satheesh Kumar

... Petitioner/Petitioner

Vs.

S.Vaishali

....Respondent / Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the order dated 12.08.2020 passed in unnumbered H.M.O.P.No.SR.3392 of 2020 on the file of the Sub Court, Thirumangalam

For Petitioner	: Mr.R.J.Karthick
For Respondent	: No appearance

O R D E R

This petition is filed challenging an order returning an unnumbered H.M.O.P which the petitioner has laid for dissolution of marriage with the respondent.

2. The revision petitioner has alleged in paragraph No.14 that from 05.07.2017 he has been living with his wife at Tirumangalam. This petition is returned as defective on two grounds:

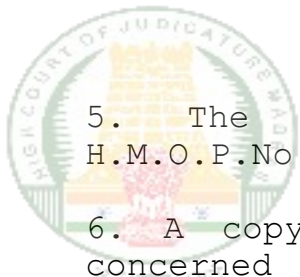
a) both parties last residing proof to be filed.

b) how this Court has jurisdiction to entertain this case.

Both grounds on which the petition was returned for curing the defect is intertwined. It was re-presented by the counsel for the revision petitioner before the trial court on 28.07.2020 wherein he has brought to the notice of the court that since 05.07.2017 the couple had been living within the jurisdiction of Tirumangalam court. However, on 12.08.2020 it was returned under the caption 'previous return holds good hence, returned'.

3. This Court is utterly disappointed.

4. The District Judiciary is repeatedly informed that at the time when any suit or petition is sought to be numbered, it is essential to look into the contents of the allegation in the pleadings as to whether it discloses any cause of action and to accept it. Proof of a fact is not required to be demanded at the time of filing. Even in civil suits if the original title documents are not filed along with the suit, they still can be produced with the leave of the court under Order VII Rule 14(3) C.P.C. This fundamental aspect is repeatedly being ignored.



5. The Sub Judge, Thirumangalam is required to number H.M.O.P.No.SR.3392 of 2020.

6. A copy of this order is required to be placed before the concerned Portfolio Judge for Madurai District. A copy is directed to be forwarded to the Director, Tamil Nadu State Judicial Academy.

7. In fine, this petition is allowed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CM

TO

1.The Sub judge,
Thirumagalam, Madurai.

2.The Director,
Tamil Nadu State judicial Academy,
Chennai.

Copy to

1)The Section Officer,
'F' Section,
Madurai Bench of Madras High court,
Madurai.(To Place before Hon'ble Judge)

2)The Section Officer
ER Section(Civil)
Madurai Bench of Madras High Court,
Madurai.(Please See the para 4,5,6 of the order dated
26/11/2020)

C.R.P. (PD) (MD) No.656 of 2020
26.11.2020

SE (CO)

KB(14.12.2020) 2P 5C