



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (MD) No. 992 of 2020

and C.M.P (MD) No. 6512 of 2020

WEB COPY

1.A.Mahmutha Begum
2.M.A.Nehmath Kubra
3.M.A.Haseena Thahsin
4.Minor M.A.Sufiya Banu
5.Minor M.A.Aneeqah

... Petitioners/Plaintiffs

(The minors 4 and 5 petitioners represented by
her mother and natural guardian, the 1st petitioner)

Vs.

1.Mohamed Abu Backer
2.Swarnamalya

... Respondents/Defendants

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the 4th returned order dated 18.11.2020 passed by the Family Court, Tiruchirappalli and to take on file and number the suit in Unnumbered O.S.No. Of 2020 on the file of the Family Court, Tiruchirappalli.

For Petitioners : Mr.Shangar Murali

O R D E R

1. The revision petitioners have presented a plaint for being taken on file as a suit before the Family Court, Thiruchirapally. It was returned few times by the concerned court. Very unfortunately, each time something new was discovered by the court as a ground for return. It amazes this court, why this pattern of return by installments is adopted by the Family court concerned.

2. On the last occasion, its query was why was the second defendant added when no relief is sought? The proposed suit is for seeking maintenance on the ground that the first defendant, who is the husband of the first plaintiff and father of other plaintiffs, has deserted the family and is leading an illegitimate life with the second defendant. While the reliefs are directed against the first defendant, no relief was sought against the second defendant.

3. Plainly, should this bother the court? It is for the plaintiff to array whoever he or she wants as the defendants. And, it is not necessary that the reliefs sought should be directed against all the defendants to the suit. There are necessary parties to the suit, and so are proper parties to the suit. After all, these defendants will



get an opportunity to appear and participate in the proceedings, and explain.

4. In conclusion, this revision is allowed, and the Family court, Tiruchirpally, is directed to receive the plaint on to its file, if the papers are otherwise in order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg-2

To:

1.The Judge,
Family Court
Tiruchirapalli.

2. The Section Officer
E.R.Section
Madurai Bench of Madras High Court
Madurai.(To return the original impugned order)

+1cc to Mr.Shangar Murali, Advocate Sr.No.26531

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NS (CO)

NR (02/02/2021) 2P : 4C