



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.03.2020

CORAM :

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THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

C.R.P(MD) No.2349 of 2019

S.Balaji Bharatwaj ... Petitioner/Petitioner

Vs.

Krithika @ Anandhalakshmi ... Respondent/Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India praying for a direction to the Family Court, Madurai to order substituted service upon the respondent in H.M.O.P.No.662 of 2017 on the file of the Family Court, Madurai.

For Petitioner	: Mr.Raguvaran Gopalan
For Respondent	: No appearance

O R D E R

This Civil Revision Petition has been filed seeking a direction to the Family Court, Madurai to order substituted service upon the respondent in H.M.O.P.No.662 of 2017.

2. The petitioner is a resident of Madurai, whereas the respondent is a resident of Bangalore. The marriage took place in Madurai and they lived jointly in Madurai. Due to some dispute, the respondent left the matrimonial home from Madurai to Bangalore. Thereafter, the respondent filed a petition for divorce in M.C.NO.844 of 2015 before the Family Court, Bangalore. The petitioner received summons from Bangalore Court and he appeared. Later, the petition was dismissed for default. According to the petitioner, no steps were taken by the respondent either to restore the petition or come to matrimonial home.

3. Therefore, the petitioner filed a petition for divorce in H.M.O.P.No.662 of 2017 after filing the complaint. Notice was sent to the respondent to the address mentioned in O.P before the Family Court, Bangalore and the same was returned as 'left'. Therefore, the petitioner could not serve notice. Due to that reason, the petitioner has filed a petition before the trial court seeking a direction to order substituted service. The Family Court failed to

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entertain the said application. Aggrieved by the same, the petitioner has filed the present revision before this Court.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

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5. A perusal of the records would show that in this revision also, notice sent to the respondent was returned as 'left'. According to the learned counsel for the petitioner, the respondent after leaving the matrimonial home, filed M.C.No.844 of 2015 before the Family Court, Bangalore for divorce and the said petition was dismissed for default. It is also stated that after dismissal of O.P filed by the respondent before Bangalore Court, the respondent married another man and went to United States of America. Therefore, the petitioner could not serve notice on the given address.

6. Considering the above stated facts and circumstances, this Court is of the view that substituted service should be ordered. In such view of the matter, the Family Court, Madurai, is directed to entertain the application filed by the petitioner and order substituted service upon the respondent in H.M.O.P.No.662 of 2017 in accordance with law.

7. With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CM

To,

The Family Court,
Madurai.

+1 CC to Mr.A.THIRUMURTHY, Advocate (SR-10081[F] dated 04/03/2020)

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