

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.04.2021

CORAM:

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P. (PD) No.760 of 2021

S.R.Sridhar

...Petitioner

Vs

G.Dhivya

...Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Rasipuram to entertain unnumbered H.M.O.P.SR.No.1368 of 2021 and number the same.

For Petitioner : Mr.R.Nalliyappan

**ORDER**

This petition has been filed to direct the learned Subordinate Judge, Rasipuram to entertain un-numbered H.M.O.P.SR.No.1368 of 2021 and number the same.

2. The petitioner herein had filed the un-numbered H.M.O.P.S.R.No.1368 of 2021 Under Section 9 of the Hindu Marriage

Act for restitution of conjugal rights. The petitioner is the husband and the respondent is the wife. The learned Sub-Judge, Rasipuram returned the said plaint without even numbering, stating that both the petitioner and the respondent's residential addresses does not fall within the jurisdiction of the Court below. Further, a time period of one month was also given to the parties to file the proof of their addresses.

3. The learned counsel for the petitioner would submit that after the marriage, the petitioner was residing within the jurisdiction of Rasipuram Taluk with the respondent and within a span of 35 days, the respondent herein had left the petitioner. The learned counsel for the petitioner submitted that the Court below ought to have taken into consideration the permanent residing address of the petitioner and ought not to have taken into account the temporary address where the parties shifted. The trial Court ought to have gone into the fact that Section 19(iii) of the Hindu Marriage Act emphasis the parties to the marriage last resided together and hence, the Court below has jurisdiction to entertain the restitution application.

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

5. This Court is in agreement with the finding rendered by the Court below. The petitioner and the respondent herein have not produced their address proof to prove their case and hence, the trial Court was right in returning the application. Hence, I do not find any merits in the present Civil Revision Petition and the same stands dismissed. No costs.

01.04.2021

Index: Yes/No  
Speaking order/Non-Speaking Order  
sbn

To

The Subordinate Court,  
Rasipuram.

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**V.BHAVANI SUBBAROYAN, J.**

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