



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P(PD).No.1108 of 2021
and C.M.P.No.8619 of 2021

T.Senthil Kumar

...Petitioner

Vs

T.Gomathi

...Respondent

Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 18.02.2021 in I.A.SR.No.264 of 2021 in I.A.No.52 of 2019 in H.M.O.P.No.120 of 2018 on the file of the Family Court, Chengalpet filed by the revision petitioner herein to cancel the maintenance order dated 14.08.2019 under Section 25(2) & (3) of the Hindu Marriage Act and consequently direct the Court below to number the same by allowing this revision petition.

For Petitioner : Mr.G.Madhan Raj

For Respondent : No appearance.

ORDER

The revision petition has been filed by the petitioner in H.M.O.P.No.120 of 2018 now pending on the file of the Family Court at Chengalpet.

2.The revision petitioner is the husband. He had suffered an order to pay interim maintenance in I.A.No.52 of 2019. It is the contention of the revision petitioner that the respondent/wife had re-married which necessitated him to file an application purportedly under Section 25(3) of the Hindu Marriage Act, 1955. The learned Judge appears to have returned the said application with a cursory written remark "How the petition is maintainable to be clarified. Hence petition is returned".



3. When a return is made on an application or on a petition filed in a Court of law, then a burden is cast on the learned counsel to convince the learned Judge that it is maintainable. In the instant case, the revision petitioner herein had not made any endorsement or explained as to how the application is maintainable and straight away he has come back to the revision Court.

4. I would not encourage the Revision Petition to be kept pending in this Court. The Revision Petition is dismissed with a direction to the revision petitioner to comply or to explain as to how the petition is maintainable before the Family Court at Chengalpet. If inspite of the same, the learned Judge, Family Court, Chengalpet returns the application, the petitioner herein may insist that the matter may be heard in Court on the issue of maintainability and advance arguments in the open Court. That is the procedure which has to be followed. Filing a Revision Petition straight away on the basis of a return made by the Court cannot be encouraged.

5. Revision Petition is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cse
To

The Family Court Judge,
Chengalpet.

+1cc to Mr.B.Govinda Prabu, Advocate Sr.30368

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srg 23/07/2021