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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.R.P.No.1066 of 2021

and

C.M.P.No.8452 of 2021

Sanmuga Preya ... Petitioner/Petitioner/Respondent

Vs

Livingston Antony Ruben ...Respondent/Respondent/Petitioner

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in unnumbered I.A. in O.P.No.4817 of 2019 dated 15/02/2021 on the file of the IV Additional Family Court, Chennai.

For Petitioner .. Mr.P.Anandan
for Majestic Law Firm

For Respondent .. No appearance

ORDER

The Revision Petition has been filed questioning the order dated 15.02.2021 in unnumbered Interlocutory Application filed by the revision petitioner herein in O.P.No.4817 of 2019 which had been filed by the respondent/husband herein seeking dissolution of the marriage on the ground of cruelty.

2.The parties namely, the petitioner and the respondent herein had originally undergone a marriage under Hindu rites and customs on 15.05.2013 and thereafter, they had also got married under the Christian rites and customs on 22.05.2013 and that marriage ceremony was registered.

3.In the petition filed in O.P.No.4817 of 2019, the respondent/husband had filed as a document, the Marriage Certificate, indicating the marriage process through Christian rites. The grievance of the present petitioner is that the marriage process through Hindu rites and customs had not been stated in the petition. Claiming that as a ground to reject O.P.No.4817 of 2019, an Interlocutory Application had been filed which was not taken on record, but was rejected by the learned IV Additional Judge, Family Court, Chennai.

4.That order has given rise to the filing of the present Revision Petition.



5.It is a fact that both the petitioner and the respondent had undergone ceremonies reflecting marriage between them. They had undergone a ceremony through Hindu rites and had subsequently, undergone another ceremony under the Christian rites. That they are married is not denied or disputed by either one of them. The only grievance is that the earlier marriage through Hindu rites had not been stated by the respondent / husband herein in the petition in O.P.No.4817 of 2019. That is an aspect which can be put to cross-examination and the reasons for that can be elucidated during cross-examination of the respondent/husband. He may have his reasons which may be acceptable or which may not be acceptable, but that will not erase the primary fact that he has filed the petition on the ground of cruelty which ground alone, the petitioner herein should concentrate in questioning and disputing before the Family Court during the trial process. The petitioner may be well advised to file a counter disputing the facts alleged in O.P.No.4817 of 2019.

6.The issue of marriage does not go to the root of the petition, since the respondent / husband has produced the marriage certificate as document. No doubt the marriage certificate indicates the marriage through Christian rites and customs which was subsequent to the marriage through Hindu rites.

7.I do not find any reason to interfere with the order of the IV Additional Principal Judge, Family Court Chennai. This Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

8.Let the parties go back to the trial process and the petitioner herein may file necessary counter disputing the facts of cruelty as alleged by the respondent/husband.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

smv

To

The IV Additional Principal Judge Family Court,
Chennai.

+1cc to Mr.A.V.Ilango, Advocate SR.No. 23005

C.R.P.No.1066 of 2021
and
C.M.P.No.8452 of 2021

SRA (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
B.VC(15.07.2021)