

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No. 3665 of 2016

and

CMP.No. 18657 of 2016 and CMP.No.1291 of 2017

Chandrasekaran ... Petitioner

Vs.

L.Divakar ... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order dated 31.08.2016 made in I.A.No.1565 of 2015 in O.S.No.273 of 2015 on the file of the Principal District Munsif at Tindivanam.

For Petitioner : Mr.N.Jyothi for
: Mr.M.C.Govindan

For Respondent : No Appearance

ORDER

सत्यमेव जयते

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.1565 of 2015 in O.S.No.273 of 2015 dated 31.08.2016 on the file of the Principal District Munsif, Tindivanam, thereby, dismissing the petition for rejection of plaint filed by the petitioner

herein.

2. Heard the learned counsel for the petitioner. Though the notice has been served on the respondent and a counsel also entered appearance, there is no representation for the respondent.

3. The petitioner and others are the defendants in the suit filed by the respondent herein for permanent injunction restraining the petitioner's daughter for contracting a second marriage. When her marriage with the respondent is subsisting, he also sought for permanent injunction restraining the petitioner and three others from forcing or goading the first defendant, viz., his daughter to contract the second marriage.

4. The petitioner is the father of the first defendant herein and he is the second defendant in the suit filed by the respondent herein. The respondent filed a petition in HMOP.No.41 of 2012 on the file of the Sub Court, Tindivanam for restitution of Conjugal Rights as against his daughter viz., the first defendant in the present suit. In the said Petition, the respondent avered that he got married with the first defendant on

04.02.2010. Thereafter, the respondent went to U.K. to pursue his Post Graduation. Thereafter, the respondent was left in severance and as such, he filed a petition for restitution of conjugal rights. The daughter of the petitioner herein resisted the said petition on the ground that the marriage itself was not solemnized between the respondent and the petitioner's daughter. After contesting the petition filed by the respondent, the learned Sub Judge, Tindivanam dismissed the petition for restitution of Conjugal Rights by the judgment and decree dated 29.04.2017.

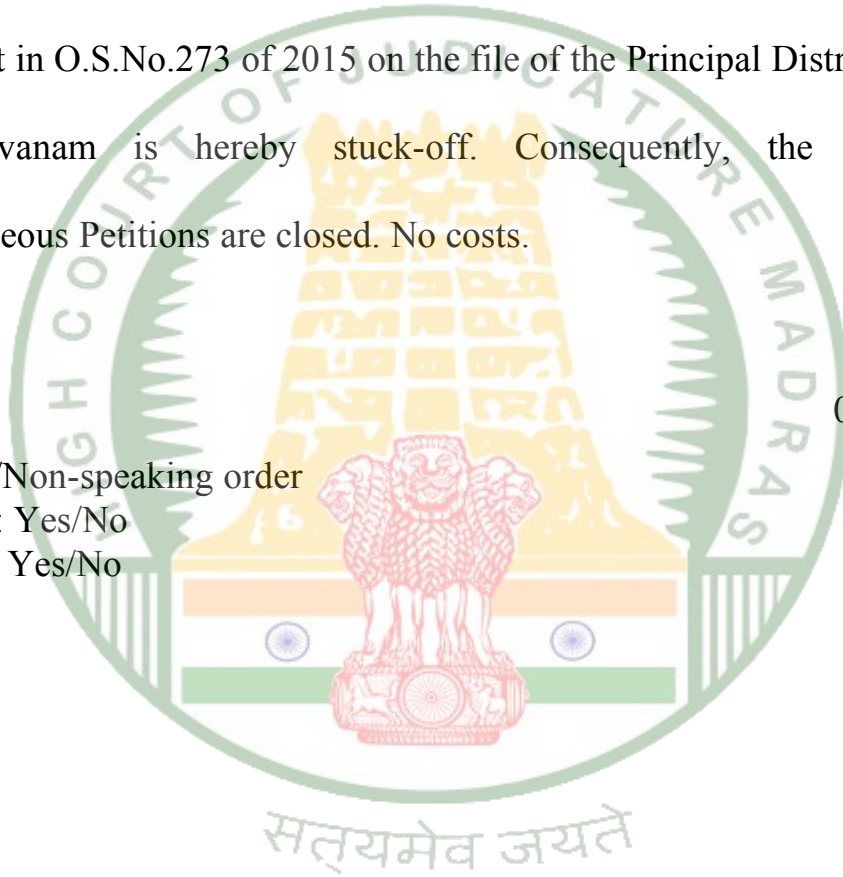
5. In fact, the respondent also filed an appeal in CMA.No.13 of 2017 before the Principal District Court, Villupuram and the same was also dismissed by the judgment and decree dated 14.10.2019. In the meanwhile, the respondent filed another suit in O.S.No.273 of 2015 for the relief of permanent injunction restraining the first defendant from contracting the second marriage. The present suit is nothing but clear abuse of process of law, since, already the suit filed by the respondent was dismissed and the same was also confirmed by the Principal District Court, Villupuram. In fact, the petitioner's daughter also got married on 03.07.2017 and her marriage was also duly registered on 22.09.2017. In fact, she also gave birth

to a male child on 16.10.2019 and now they have settled in Germany.
Therefore, the pendency of the present suit will not serve any purpose.

6. Considering the above, this Civil Revision Petition is allowed and the order passed in I.A.No.1565 of 2015 in O.S.No.273 of 2015 is set aside. The plaint in O.S.No.273 of 2015 on the file of the Principal District Munsif at Tindivanam is hereby stuck-off. Consequently, the connected Miscellaneous Petitions are closed. No costs.

08.02.2021

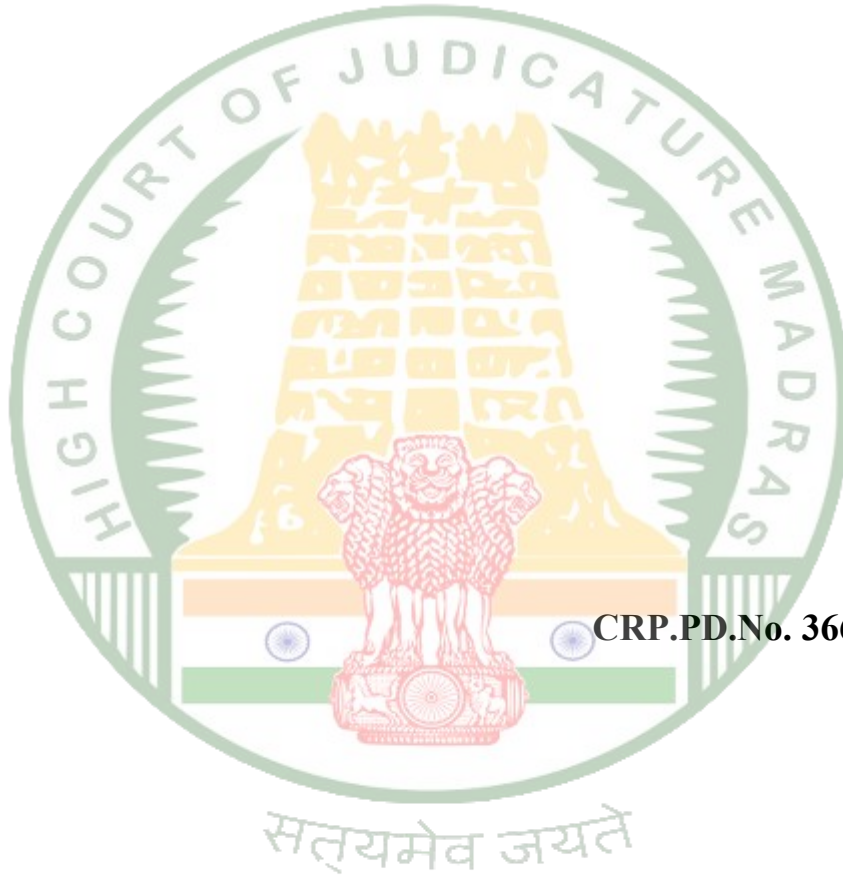
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G.K.ILANTHIRAIYAN,J.

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