



C.R.P. No.477 of 2020 & CMP No.2582 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.R.P. No.477 of 2020
& CMP No.2582 of 2020

J. Jegan

... Petitioner

Vs.

J. Preethi

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 08.11.2019 made in I.A. No.730 of 2019 in HMOP No.68 of 2018 on the file of the Principal Family Court, Cuddalore.

For Petitioner : Dr. C. Ravichandran

For Respondent : Mr. D. Senthil Kumar

ORDER

This revision petition is filed against fair and decretal orders dated 08.11.2019 passed in I.A. No.730 of 2019 in HMOP No.68 of 2018 by the learned Principal Judge, Family Court, Cuddalore.



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2. The revision petitioner/husband is the respondent in HMOP No.68/2018 on the file of the Family Court, Cuddalore. The present respondent/wife filed HMOP No.68/2018 under Section 12 (1) (c) of Hindu Marriage Act to declare the marriage between her and the revision petitioner as null and void.

3. When the matter was posted for trial, the revision petitioner filed an application in I.A.No.730/2019 under Section 151 CPC to summon the documents from the Registrar of Marriages, Cuddalore Joint-I in order to prove that there was a registered marriage between him and the respondent/wife on 13.04.2015. The respondent/wife filed a counter and after full contest, the learned Family Court Judge, Cuddalore dismissed the application in I.A.No.730/2019 vide her orders dated 08.11.2019 on the ground that the petitioner in HMOP No.68/2018 had categorically contended that the marriage between her and the respondent is null and void and therefore, it is the bounden duty of the petitioner to prove the same. In the circumstances, summoning entire documents from



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the Registrar of Marriages, Cuddalore Joint-I, is not necessary for deciding the matter in issue in the instant case.

4. Aggrieved over the orders passed by the trial court, the present Civil Revision Petition is filed by the respondent in HMOP No.68/2018.

5. Heard Dr. C. Ravichandran, learned counsel appearing for the petitioner and Mr. D. Senthil Kumar, learned counsel for the respondent.

6. During the course of arguments, the learned counsel for the revision petitioner contended that he applied for the certified copies of the marriage certificate and other relevant documents and they were issued by the Registrar of Marriages, Cuddalore. In such circumstances, those documents can be marked through his witnesses. It is also represented that HMOP No.68/2018 is transferred to the file of the Family Court,



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Pondicherry from the file of the Family Court, Cuddalore and renumbered as HMOP No.510/2021.

7. In the circumstances, the present Civil Revision Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed. The Family Court, Pondicherry is directed to dispose of HMOP No.510/2021 as expeditiously as possible.

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Index : Yes/No

Internet : Yes/No

Speaking/non speaking
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R.HEMALATHA, J.,
bga

To

1. The Principal Judge, Family Court, Cuddalore.
2. The Judge, Family Court, Pondicherry
3. The Section Officer, VR Section, High Court, Madras.

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