



C.R.P.No.1229 of 2021
and C.M.P.No.9543 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

C.R.P.No.1229 of 2021

and

C.M.P.No.9543 of 2021

Senthil Jawahar @ Karthik

...Petitioner

Vs.

S.Saranya

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders dated 07.09.2019 passed in O.P.No.147 of 2017 on the file of the learned III Additional Judge, Family Court, Chennai.

For Petitioner : Mr.T.C.S.Raja Chockalingam

For Respondent : No appearance

ORDER

The present petition is filed against the fair and decreetal orders dated 07.09.2019 passed in O.P.No.147 of 2017 on the file of the learned



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III Additional Judge, Family Court, Chennai.

2. The revision petitioner is the respondent in O.P.No.147 of 2017 on the file of the learned III Additional Judge, Family Court, Chennai. The respondent herein filed the OP seeking for dissolution of marriage on the ground of cruelty. The revision petitioner filed his counter and the case was posted for enquiry. After several adjournments the enquiry was finally posted on 07.09.2019 and the revision petitioner/respondent made the following endorsement on the petition.

"Divorce petition may be allowed in the merit "

Based on the said endorsement the learned III Additional Judge, Family Court, Chennai, passed the following orders :

"Petition filed under Section (13) (1) (i-a) of the Hindu Marriage Act, 1955 seeking divorce on the ground of cruelty.

In view of endorsement made by the respondent, the OP is allowed. No costs."

Thus it is clear that the learned III Additional Judge, Family Court, Chennai, even without going into the merits of the claim



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made by the petitioner in O.P.No.147 of 2017 had passed a non-speaking order. The petitioner was not also examined to prove her contentions in the petition filed by her.

3.In the circumstances, the order passed by the trial Court is liable to be set aside and the learned III Additional Judge, Family Court, Chennai, is directed to take O.P.No.147 of 2017 on its file and pass orders on merits after affording sufficient opportunity to both the parties.

4.With the above directions, the Civil Revision Petition is allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

- 1.The III Additional Judge, Family Court, Chennai.
- 2.The Section Officer, VR Section, High Court, Madras.

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