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C.R.P.(PD) No.1690 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1690 of 2022
and C.M.P.No.8431 of 2022

R.Raveendran

... Petitioner

Vs.

P.Rama

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the impugned order dated 11.01.2022 in I.A.No.2445 of 2014 in HMOP No.1293 of 2014 passed by the learned Principal Judge, Family Court, Coimbatore.

For Petitioner : Mr.P.R.Balasubramanian

ORDER

This Civil Revision Petition has been filed, challenging the impugned order of the learned Principal Judge, Family Court, Coimbatore dated 11.01.2022 made in I.A.No.2445 of 2014 in HMOP No.1293 of 2014.



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2. The petitioner is the husband, who is the respondent in the HMOP proceedings filed by his wife in HMOP.No.1293 of 2015 for restitution of conjugal rights. The petitioner has preferred I.A.No. 2445 of 2014 to reject the said petition as not maintainable and the same was dismissed. Aggrieved over that, the petitioner has preferred this petition.

3. The learned counsel for the petitioner submitted that the petitioner never married the respondent and hence, the petition filed for restitution of conjugal rights is not maintainable. He further submitted that the petitioner married some other woman and she is the only legally wedded wife of the petitioner.

4. The learned trial Judge has passed an order disallowing the prayer sought by the petitioner by observing that the respondent has produced prima facie materials to make out a case for the relief sought by her in the plaint. The Court has also made a reference to the petition filed by the respondent for appointment of Commissioner to take note of the messages and e-mails exchanged between the petitioner and the respondent. So, these materials referred by the learned trial Judge would show that the respondent



cannot be a total stranger. However, the factum of marriage between the petitioner and the respondent and its validity etc are the issues to be dealt at the time of trial. Since there are prima facie pleadings and supporting materials filed basing on the alleged cause of action, the learned trial Judge has rightly dismissed the petition filed to reject the HMOP.No.1293 of 2014. Hence, I do not find any grounds for interference.

5. Accordingly, the Civil Revision Petition is dismissed and the impugned order dated 11.01.2022 in I.A.No.2445 of 2014 in HMOP No.1293 of 2014 passed by the learned Principal Judge, Family Court, Coimbatore, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

13.06.2022

Index : Yes/No
Speaking Order : Yes / No
vkr

To

1. The Principal Judge,
Family Court,
Coimbatore.



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R.N.MANJULA, J.,

vk

2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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