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C.R.P (PD).No.1375 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P (PD).No.1375 of 2022

Mr.R.Nelson

... Petitioner

Vs.

Mrs.Saranya

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 11.01.2022 passed in SMOP SR No.5523/2021 by the learned Principal District Judge, Chengalpattu and direct him to take the SMOP No.5523/2021 on its file.

For Petitioner : Mr.G.Narayanan

ORDER

This civil revision petition has been filed to set aside the docket order dated 11.01.2022 passed in SMOP SR No.5523/2021 by the learned Principal District Judge, Chengalpattu and direct him to take the SMOP No.5523/2021 on his file.



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2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The revision petitioner is the petitioner who had filed SMOP SR.No.5523 of 2021 and the same was rejected by the learned Principal District Judge, Chengalpattu on 11.01.2022, by stating that the petitioner did not produce any proof for valid marriage under Special Marriage Act.

4. The learned counsel for the petitioner submitted that despite the petitioner and the respondent belongs to Christian and Hindu religion respectively, they solemnized their marriage in accordance with the customs of Hindu marriage. The petition has not been filed under Hindu Marriage Act, obviously for the reason that the petitioner did not choose to convert himself as a Hindu.

5. If the parties choose to retain and continue to practice their own religion during marriage, the only way for them is to get married under the provisions of Special Marriage Act. The conditions for valid marriage under the Special Marriage Act and the manner in which the special marriage should



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be conducted has been prescribed under Sections 4,5 and 6 of the Special Marriage Act. The civil revision petitioner did not comply the said condition to qualify himself to come under Special Marriage Act as well. In fact, the marriage was not registered in accordance with Section 13 of the Special Marriage Act and no marriage certificate has also been obtained.

6. Under such circumstances, the petitioner cannot maintain the original petition filed under the Special Marriage Act before the Principal District Judge. The learned Principal District Judge has rightly rejected the petition for the above said reasons. I find no reason to interfere in the order passed by the learned Trial Judge.

7. Accordingly, this civil revision petition stands dismissed and the order passed by the learned Principal District Judge, Chengalpattu in SMOP SR No.5523/2021 dated 11.01.2022, is confirmed. No costs.

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Index: Yes/No
Speaking / Non Speaking Order
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R.N.MANJULA, J

gsk

To
The Principal District Judge,
Chengalpattu.

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