



C.R.P(NPD).No.1991 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1991 of 2022

A.Vanitha @ Sumathi

... Petitioner

..Vs..

R.Kannan @ Venkatachalam

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order dated 08.04.2022 passed in CR.No.254 of 2022 in Unnumbered HMOP.No. Of 2022 on the file of the learned Subordinate Judge, Rasipuram consequently direct the learned Subordinate Judge, Rasipuram to entertain the Unnumbered HMOP.No. Of 2022 filed by the petitioner herein on 24.01.2022 and the number the same.

For Petitioner : Mr.R.Nalliyappan



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ORDER

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This Civil Revision Petition has been preferred challenging the docket order of the learned Subordinate Judge, Rasipuram, dated 08.04.2022 made in CR.No.254 of 2022 in Unnumbered HMOP No. of 2022 and to direct the learned Subordinate Judge, Rasipuram to entertain and number the same.

2.The revision petitioner is the wife who has filed the unnumbered HMOP against the respondent for dissolution of marriage and the said petition was rejected for the reason that the earlier return compliance was not duly complied.

3.On perusal of the records, it is seen that the learned Subordinate Judge has rejected the petition for not producing the marriage proof of the temple receipt.



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4.The learned counsel for the petitioner submitted that despite the fact that the marriage has taken place in the Temple, he has not received any receipt from the Temple authorities for the marriage. But he has produced the marriage invitation, photographs, CD etc, as proof for the marriage.

5.Supposing the marriage has not taken place in the Temple and it was convened elsewhere, there cannot be any receipt to be produced before the Court, where the matrimonial proceedings are filed. So, the Court cannot insist the temple receipt, despite the petitioner has stated that it is not possible at her end to produce the same. Since the revision petitioner has produced ample proof to show her marriage with the respondent, the petition ought to have been taken on file. Hence, the rejection order of the learned trial Judge is set aside.

6.Accordingly, this Civil Revision Petition is allowed and the learned Subordinate Judge, Rasipuram is directed to take the C.R.No.254



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of 2022 in Unnumbered HMOP.No. of 2022 on file or if it is otherwise in order. The rejection order of the learned Subordinate Judge, Rasipuram, dated 24.01.2022 made in C.R.No.254 of 2022 in Unnumbered HMOP.No. of 2022, is hereby set aside. No costs.

30.06.2022

vkf

Index:Yes No

Speaking Order:Yes/No

To

- 1.The Subordinate Judge,
Rasipuram.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA,J.

Vkr

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