



WEB COPY



C.R.P.No.2616 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 26.10.2022**

**CORAM:**

**THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

C.R.P.No.2616 of 2022  
and C.M.P.No.13467 of 2022

J.Madhavaraj

.. Petitioner

Vs.

B.Lakshmi @ Anitha

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to strike out the proceedings in H.M.O.P.No.86 of 2022 pending on the file of the Family Court, Thiruvallur as illegal.

For Petitioner : Mr.S.B.Viswanathan

For Respondents : M/s.W.M.Abdul azeez

**ORDER**

The Civil Revision Petition is filed seeking to strike out the petition filed by the respondent seeking dissolution of marriage on the ground of non consummation due to impotency.

2. The learned counsel for the petitioner submitted that the petition for dissolution of marriage was filed under Section 12(1) (a) of the Hindu Marriage



C.R.P.No.2616 of 2022

Act 1955 and the respondent in her original petition has not given any cause of action in support of the prayer for dissolution of marriage. In the absence of any cause of action to maintain the prayer, the original petition filed by the respondent should be rejected.

3. The reading of the averments found in the original petition filed by the respondent would suggest that in paragraph 8 of original petition the respondent had stated that right from the day one of marriage there had no cohabitation between the petitioner and the respondent. It was also stated that the petitioner herein was not fit for marital life due to impotency and as such, there was no consummation of marriage between the petitioner and the respondent and he had wilfully and wantonly married the respondent herein, knowing full well that he cannot perform for consummation of marriage. Therefore, there are sufficient averments found in the petition filed by the respondent seeking dissolution of marriage. In a proceeding before the Family Court, the strict rules of pleading as expected in Civil proceedings need us be followed. In view of the above, this Court is not inclined to strike out the proceedings in H.M.O.P.No.86 of 2022 filed under Section 12(1) (a) of the Hindu Marriage Act 1955.



C.R.P.No.2616 of 2022

WEB COPY

4. The learned counsel for the petitioner made a request for fixing of time limit for disposal of the original petition. The learned counsel for the respondent has no objection for the same. In view of the consensus between them, this Court is inclined to direct the Court below to dispose of the original petition within nine (9) months from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**26.10.2022**

nti

Index: Yes/ No

Internet : Yes / No

To

The Family Court, Thiruvallur



WEB COPY



C.R.P.No.2616 of 2022

**S.SOUNTHAR, J.**

nti

C.R.P.No.2616 of 2022

**26.10.2022**