



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP. No.3431 of 2022
and
CMP.No.18201 of 2022

Sankar

...Petitioner

versus

S.Iswarya

...Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike out the petition in FCOP.No.274 of 2021 on the file of Family Court, Chengalpet.

For Petitioner : Mr.M.Sai Shankar

ORDER

This Civil Revision Petition is filed seeking to strike out the petition for divorce filed by the respondent in FCOP.No.274 of 2021 on the file of the Family Court Chengalpet.

2. According to the petitioner, already he filed a petition for divorce against the respondent/wife in HMOP.No.287 of 2019 on the ground of



cruelty. In the said OP, the respondent herein has initially entered appearance and subsequently, she remained ex parte and consequently, exparte decree of divorce was passed against her in HMOP.No.287 of 2019 on 29.11.2021.

3. Subsequently, the respondent filed a petition for divorce against the petitioner in FCOP.No.274 of 2021 on the file of the Family Court, Chengalpet.

4. According to the learned counsel for the petitioner, the petition for divorce filed by the respondent before the Family Court, Chengalpet, is not maintainable after dissolution of marriage by the ex parte decree passed in his petition in HMOP.No.287 of 2019 on the file of the Principal Sub-Court, Kancheepuram. It is also stated by the learned counsel for the petitioner that the second petition for divorce filed by the respondent is nothing but an abuse of process of law.

5. It is always open to the petitioner to file a petition under Order 7 Rule 11 of CPC to reject the petition for divorce to reject the second petition for divorce filed by the respondent.



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6. When the petitioner has an effective remedy before the court below, this court is not inclined to exercise supervisory jurisdiction in view of the law laid down by the Apex Court in *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai versus Tuticorin Educational Society* reported in *(2019) 9 SCC 538*.

7. Therefore, this Civil Revision Petition is dismissed with liberty to the petitioner to file an appropriate petition before the court below, if so advised. Consequently, connected miscellaneous petition is closed. No costs.

31.10.2022

Index : Yes/No
Internet : Yes/No
gv

To

The Family Court, Chengalpet.



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S.SOUNTHAR.,J.

Gv

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