



WEB COPY

C.R.P.No.4224 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4224 of 2022
and
C.M.P.No.22143 of 2022

N.Gurumoorthy

... Petitioner

Vs.

1.Saranya Chandrasekar

2.V.Sathiya

3.N.Venkatesan

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 21.09.2022 passed by the IInd Additional Principal Family Court, Chennai in I.A.No.01 of 2022 in H.M.O.P.No.4465 of 2021.

For Petitioner

: Mr.N.Gurumoorthy
[Party-in-Person]

For R1

: Ms.Rohini Ravikumar



ORDER

The Civil Revision Petition has been filed against the order dated 21.09.2022 passed in I.A.No.01 of 2022 in H.M.O.P.No.4465 of 2021.

2. The 1st respondent / wife filed H.M.O.P.No.4465 of 2021 for Dissolution of Marriage on the file of the II Additional Family Court, Chennai.

3. The revision petitioner / husband entered appearance in the O.P. proceedings and during the pendency, he filed I.A.No.01 of 2022 under Section 151 CPC praying to decide the question, whether H.M.O.P is maintainable before the II Additional Family Court, when there is no cause of action and there is no jurisdiction as defined under the Hindu Marriage Act, 1955 as a preliminary issue.

4. The Family Court considered the issues and made a finding that the 1st respondent is residing at No.40/51, Gangai amman Koil Street, Lakshmipuram, Thiruvannamiyur, Chennai – 600 041, at the time of filing O.P. The 1st respondent / wife filed rental agreement and gas receipt as evidences



to establish her residence, which is falling within the jurisdiction of the Family Court at Chennai. Based on the rental agreement and the gas receipt produced, the OP was taken on file. The Family Court found that as per Section 19(iii-a) of the Hindu Marriage Act, 1955, the wife is entitled to present the petition and accordingly, the Family Court, Chennai has got jurisdiction to entertain the O.P.

5. The revision petitioner appearing in person contended that the 1st respondent was residing at Thiruvananthapuram and not residing at present in the said address and therefore, the Family Court has erroneously considered his point raised regarding jurisdiction. However, the revision petitioner is unable to establish that the 1st respondent / wife is not residing in the said address Thiruvananthapuram at the time of institution of O.P. proceedings before the Family Court at Chennai.

6. Any subsequent change of place need not be considered, since the H.M.O.P. was taken on file and ripe for adjudication. At the time of institution of O.P., the 1st respondent / wife was residing at No.40/51, Gangai amman Koil Street, Lakshmiapuram, Thiruvannamipur, Chennai – 600 041, within the jurisdiction of the Family court at Chennai. While so, this Court do



not find any infirmity in respect of the order passed by the II Additional Family Court, Chennai in I.A.No.01 of 2022. The revision petitioner in person has to proceed with the trial on merits and in accordance with law.

7. Accordingly, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

22.12.2022

Jeni
Index : Yes
Speaking order

To
The Judge,
II Additional Family Court,
Chennai.



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S.M.SUBRAMANIAM, J.

Jeni

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