



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.03.2022

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P (MD) .No.383 of 2022

Geetha Sathya

...Revision Petitioner/Petitioner

Vs.

Prasanna Subramaniam

...Respondent/Respondent

PRAYER : This Civil Revision Petition is filed under Section 227 of the Constitution of India, to set-aside the order dated 22.01.2022 made in CFR.No.14067 of 2021 Unfiled Guardian Original Petition on the file of the Principal District Judge, Thanjavur.

For Petitioner : Mr.V. Meenashi Sundaram
for Mr.P.Samuel Gunasingh

O R D E R

This Civil Revision Petition has been filed to set-aside the order dated 22.01.2022 made in CFR.No.14067 of 2021 Unfiled Guardian Original Petition on the file of the learned Principal District Judge, Thanjavur.

2.CFR.No.14067 of 2021 in Unfiled Guardian Original Petition was filed by the revision petitioner under Section 10 of the Guardian and Wards Act 1980, to appoint her as guardian of the minor female child and to direct the respondent to hand over the custody of the minor female child Aadhika to the petitioner and also direct the respondent to pay all the expenses incurred in bringing up the female child, including educational medication, etc. with cost of the petitioner, which was rejected by the learned Principal District Judge, Thanjavur. Aggrieved by the said order, the petitioner filed this Civil Revision petition on the ground that it is hit by Section 13 of the Civil Procedure Code.

3. Perusal of records would show that the learned Principal District Judge, Thanjavur, rejected CFR.No.14067 of 2021 Unfiled Guardian Original Petition on the ground that it is directly barred by the provision of Section 13 of the Civil Procedure Code. But the Foreign Judgment based on the custody of child not on merit and not discussed anything, which is applicable to the parties in India.



Since the matter is decided before issuing notice to the respondent, no notice necessary in this Civil Revision Petition also.

4. In view of the above, this Civil Revision Petition is allowed. The learned Principal District Judge, Thanjavur, is directed to number the Guardian Original Petition, if it is otherwise in order, and to decide the matter on merits. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Principal District Judge,
Thanjavur.

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02.03.2022

VSD
MS/29.03.2022/2P.2C