



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2022

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.1041 of 2021

and

C.M.P. (MD) No.6062 of 2020

S.Vinothini

...Petitioner/Respondent

Vs.

T.S.Dineshraj @ T.S.Solomon Dinesh

Raja @ T.S.Salomon

...Respondent/Petitioner

PRAYER : This Civil Revision Petition is filed under Section 227 of the Constitution of India, to strike off the I.D.O.P.No.45 of 2020 pending on the file of Principal District Judge, Srivilliputhur, Virudhunagar District.

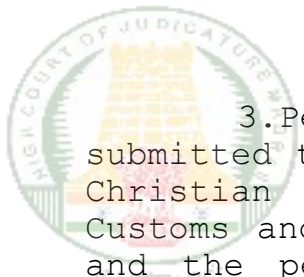
For Petitioner : Mr.A.Karthik

For Respondent : Mr.N.Kamesh

O R D E R

The revision petitioner/wife filed this Civil Revision Petition to strike off I.D.O.P.No.45 of 2020, pending on the file of learned Principal District Judge, Srivilliputhur, Virudhunagar District on the ground that the marriage was solemnized as per Hindu Rites and Customs.

2.The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized as per Hindu Rites and Customs and both are Hindu. The petitioner filed H.M.O.P.No.91 of 2019 before the learned Sub Court, Virudhunagar seeking the relief of dissolution of marriage. In meanwhile, the respondent filed I.D.O.P.No.19 of 2020 before the Sub Court, Pudukkottai. Hence, the petitioner filed Tr.C.M.P. (MD) No.145 of 2020 before this Court and the same was allowed and therefore, I.D.O.P.No.19 of 2021 was transferred to the file of Principal District Court, Srivilliputhur and renumbered as I.D.O.P.No.45 of 2020. The learned counsel for the petitioner further submitted that since both the parties are Hindu and the marriage was also solemnized as per Hindu Rites and Customs, the petition filed by the respondent is not maintainable and it should be dismissed.



3.Per contra, the learned counsel for the respondent submitted that there are materials to show that the respondent is a Christian and the marriage was also solemnized under Christian Customs and this fact has to be decided only at the time of trial and the petitioner filed this petition straightaway before this Court without proving the same before the trial Court. Therefore, this Civil Revision Petition filed at the premature stage and it is liable to be dismissed.

4.Heard the learned counsel for the petitioner, the learned counsel for the respondent and went the materials available on record.

5.It is seen from the materials available on record that there is no sufficient material to prove whether the marriage was solemnized under Hindu Rites and Customs or Christina Customs and both the parties are Hindu or Christian and it can be decided only at the time of trial. Hence, the parties are directed to approach the learned Principal District Judge, Srivlliputhur and file their documents to prove their case.

6.With this direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

The Principal District Court,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.A. KARTHIK, Advocate (SR-17079[F] dated 07/04/2022)
C.R.P(MD) .No.1041 of 2021
06.04.2022

MGJ(19.04.2022) 2P 3C