



CRP (MD) No.1923 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

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T.M.Ramesh Kumar ... Petitioner
Vs

S.Indu @ Indhulakshmi ... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the non-speaking order of return in HMOP.No. Unnumbered / 2022 dated 23.06.2022 and direct the Sub Court, Sivakasi to number the HMOP.No in S.R.No.4351 of 2022 and allow the civil revision petition.

For Petitioner : Mr.J.Jeyakumaran

ORDER

The civil revision petition is filed as against the docket order dated 23.06.2022 passed in HMOP No.Unnumbered / 2022 by the learned Sub Judge, Sivakasi.



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2.The petitioner has filed a petition under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 before the Sub Court, Sivakasi for divorce, but it was returned by the trial Court on 27.06.2022 that the petitioner is residing at Thiruthangal, the respondent is residing in Chennai and the marriage was held at Chennai and therefore, Sub Court, Sivakasi is not having territorial jurisdiction to try the petition. It was re-presented on 28.06.2022 that the petitioner permanently resides at Thiruthangal and after the marriage, the petitioner and the respondent lived together at Thiruthangal and the children are also residing with them at Thiruthangal. Again the petition was returned on 30.06.2022 that the petitioner has not produced any document to substantiate that he has resided at Thiruthangal. The petitioner has re-presented it on 30.06.2022 along with an affidavit that after the marriage they lived together at Thiruthangal. Once again it was returned on 22.07.2022 that the Sub Court, Sivakasi is not having jurisdiction to try the case. Aggrieved over the same the petitioner is before this Court.



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3.The learned Counsel for the petitioner submits that the petitioner is permanently residing at Thiruthangal and after the marriage also the petitioner and the respondent resided at Thiruthangal in the matrimonial home and therefore, the trial Court ought to have taken the petition on file and proceeded further.

4.The petitioner claims that after the marriage the petitioner and the respondent resided at Thiruthangal till he left for job in abroad and the children were also residing with them. Therefore, this civil revision petition is allowed with a direction to the learned Sub Judge, Sivakasi to number the petition filed by the petitioner, if it is otherwise in order and proceed further. No costs.

22.09.2022

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Note: Registry shall return the original papers

To

The Sub Judge,
Sivakasai.



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B. PUGALENDHI, J.

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