



C.R.P.No.2275 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2275 of 2023

V. Gopalakrishnan
represented by B.Sivakami,
W/o.Boopathi,
No. 22, Vedhathri Nagar, EB Road,
Thiruhirapalli – 620008.

.. Petitioner

Versus

R.Vinay

.. Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the order dated in H.M.O.P.No.5003 of 2018 on the file of IV Additional Family Court Judge, Chennai to rectify the error pertaining to the date of birth of the petitioner mentioned in the order dated 01.01.2019.

For Petitioner : Mr.C.Prasanna Venkatesh

For Respondent : Ms.S.Anuradha Balaji



C.R.P.No.2275 of 2023

ORDER

WEB COPY This Civil Revision Petition is filed by the minor petitioner, represented by his maternal aunt, to call for the records pertaining to the order dated 01.01.2019 passed in H.M.O.P. No. 5003 of 2018 on the file of IV Additional Family Court Judge, Chennai in so far as it relates to the mentioning of the date of birth of the minor petitioner as 21.01.2019 instead of 21.01.2009.

2. The marriage between the respondent and deceased N.V.Kalaivani was solemnized on 27.04.2008 and out of their wedlock, the minor revision petitioner - Gopalakrishnan was born on 21.01.2009. Due to misunderstanding between the parents of the revision petitioner, HMOP No. 5003 of 2018 was filed for grant of a decree of divorce by mutual consent. The said HMOP No. 5003 of 2018 was ordered on 01.01.2019. After the order was passed, the mother of the petitioner by name N.V.Kalaivani died on 05.09.2019 and therefore, the minor Gopalakrishnan is under the care and custody of his maternal aunt B.Sivakami i.e., sister of the deceased N.V.Kalaivani.

3. The present Civil Revision Petition has been filed mainly on the



C.R.P.No.2275 of 2023

ground that in the order dated 01.01.2019, the date of birth of the minor revision petitioner has been erroneously indicated as 21.01.2019 instead of 21.01.2009. According to the revision petitioner, it is purely a typographical error and it has got to be rectified. In support of such a contention, the date of birth certificate issued by the City Health Officer, Greater Chennai Corporation on 04.02.2017 is enclosed in the typed set of papers. According to the revision petitioner, due to the incorrect date of birth indicated in the order dated 01.01.2019 passed in HMOP No. 5003 of 2018, she could not obtain legal heir ship certificate and to effect transfer of certain properties left by the deceased N.V.Kalaivani, mother of the minor revision petitioner.

4. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

5. The learned counsel for the respondent has no objection for altering the date of birth of the minor revision petitioner as 21.01.2009 as it is borne by the birth certificate issued by the competent authority. In other words, the learned counsel for the respondent has no objection,



C.R.P.No.2275 of 2023

whatsoever, to allow the present Civil Revision Petition as prayed for.

WEB COPY

6. Having regard to the above submissions of the counsel for both sides, the order dated 01.01.2019 passed in HMOP No. 5003 of 2018 is modified in so far as it relates to the incorporation of date of birth of the minor revision petitioner as 21.01.2019 and instead, the date of birth of the minor revision petitioner is ordered to be read as 21.01.2009. In all other respects, the order dated 01.01.2019 passed in HMOP No. 5003 of 2018 shall remain unaltered.

7. Accordingly, the Civil Revision Petition is allowed. No costs.

09.08.2023

kv

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



C.R.P.No.2275 of 2023

WEB COPY To

1. The IV Additional Judge,
Family Court, Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras.



WEB COPY



C.R.P.No.2275 of 2023

V.BHAVANI SUBBAROYAN,J.

Kv

C.R.P.No.2275 of 2023

09.08.2023