



C.R.P.No.1537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2023

CORAM

THE HON'BLE MRS JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.1537 of 2023

V.Ganesh

...Petitioner

Vs.

S.Saranya

...Respondent

PRAYER:-Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed by the learned VI Additional Principal Family Judge, Chennai dated 31.01.2023 in I.A.No.4058 of 2018 in O.P.No.383 of 2018 and allow the above CRP.

For Petitioner : J.Ravi Shankar

For Respondent : K.Sumathi

ORDER

This Civil Revision Petition has been filed challenging the order passed by the learned VI Additional Principal Family Judge, Chennai dated 31.01.2023 in I.A.No.4058 of 2018 in O.P.No.383 of 2018.



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2. The marriage between the petitioner and the respondent was solemnized on 18.01.2015 at K.V.N. Kalyana Mandapam at Velappanchanvadi, Chennai and was living in the matrimonial home. Due to difference of opinion arose between them, they got separated on 18.03.2017 and thereafter even after several attempts made by the petitioner for reunion, the respondent refused for reunion. The petitioner sent two legal notices, dated 03.08.2017 and 11.08.2017 to the respondent asking her to come to matrimonial home. The respondent refused, he was constrained to file a petition under Section 9 of the Hindu Marriage Act in HMOP.No.661 of 2017 before the Family Court, Poonamallee.

3. Thereafter, the respondent filed a petition for divorce in HMOP.No.383 of 2018 before the VI Additional Principal Family Court, Chennai. The respondent created a false address for the purpose of jurisdiction and also got filed a Transfer C.M.P.No.199 of 2018 in HMOP No.661 of 2017. The petitioner filed a rejection petition in I.A.No.4058 of 2018 in O.P.No.383 of 2018, since, the respondent has filed the petition before the Family Court,



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Chennai without jurisdiction, in which the respondent filed a counter. The learned Judge, without considering the application filed by the petitioner dismissed the same on 31.01.2023. Aggrieved over the said order of dismissal, the petitioner has filed the present Revision.

4. Heard Mr.J.Ravi Shankar, learned counsel for the petitioner and Ms.K.Sumathi, learned counsel for the respondent.

5. The learned counsel for the petitioner submitted that the respondent has cheated on this Court by suppressing the fact that she is residing permanently with her parents and only for the purpose of jurisdiction, the respondent has given the address of her uncle, the post office identity card issued on 26.08.2017 would show that she is residing only with her parents and not at her uncle's place in Villivakkam and prayed for allowing this Revision Petition.

6. The learned counsel for the respondent submitted that originally the respondent was residing with her parents and later on shifted to her uncle's place



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in order to get over and for a change of mind and as per the said residing place, she has filed this petition before the Family Court, Chennai. Hence, prayed for dismissal of this Revision Petition.

7. It is seen that regarding the jurisdictional issue the present Revision Petition has been filed. Whether the respondent's address where she was originally residing while presenting the paper or whether it has been struck off and then inserted the place of residence by a pen that she is residing as Villivakkam and got the jurisdiction of the Family Court, Chennai. This aspect can be decided only at the end of the trial Court's finding. All grievances of the parties regarding the above issue can be addressed in the trial stage and also this Court feels that this is not the important issue between the husband and wife, but to decide the issue whether they are willing to stay together or willing to part is the decision to be taken by the trial Court. Therefore, this Court is inclined to direct the trial Court to proceed further and dispose of the same, as the HMOP is of the year 2018, as expeditiously as possible ie., within a period of one year from the date of receipt of a copy of this order.



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8. With the above direction, this Civil Revision Petition is disposed of.

No costs.

29.09.2023

Index : Yes/No
Speaking : Yes/No
NCC : Yes/No
gba

V.BHAVANI SUBBAROYAN.J.,

gba

To:

The VI-Additional Principal Family Court,
Chennai.

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