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C.R.P.No.3677 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3677 of 2023

and

C.M.P.No. 23062 of 2023

1. Nancy Karthikeyan

2. Arun Amarson

... Petitioners

Vs.

Nil.

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 26.06.2023 made in copy application in C.A.No.5912/2023 in O.P.SR. No. 1937 of 2023 on the file of Principal Family Court, Chennai.

For Petitioner

:

Ms.P.Veena Suresh



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ORDER

Challenging the impugned docket order passed by the trial judge in unnumbered O.P.SR.No. 1937 of 2023, the petitioners have preferred this Civil Revision Petition.

2. The learned counsel for Revision Petitioners would submit that first petitioner got married with the 2nd petitioner on 14.11.2007 at Hiranya Apartments, No.76, Greenways Road, Raja Annamalaipuram, Chennai and subsequently, the marriage was registered before the Sub-Registrar, Mylapore and out of their wedlock, no issues for them. She would submit that already the husband filed a petition in FCOP.No.226 of 2011 before the Family Court, Chennai and the same was dismissed for default on 03.02.2016. Thereafter, a joint compromise was arrived between the parties in the proceedings in CrI.O.P.No.22188 of 2013 on 31.03.2023 and one of the terms of compromise under clause (4) is that both parties have to file a petition for mutual consent. She would submit that to implement the same, they have filed a petition before the Family Court, Chennai, but that petition was not taken on file by the trial court and the same was



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returned for want of jurisdiction. Now, challenging the said return, they have preferred this Civil Revision Petition.

3. Admittedly, the marriage was registered at the of Sub-Registrar, Mylapore and to that effect, they have produced marriage registration certificate also, besides already the 2nd petitioner husband has filed a petition before the Family Court, Chennai for divorce. Therefore, the Family Court, Chennai is having jurisdiction to take the petition on file, but strangely, the Family Court Judge has not taken the petition on file. Though the petition for divorce was filed before the Family Court, Chennai, due to compliance of the terms of compromise, the same court is having jurisdiction to entertain the petition for mutual consent, which is summary in nature, but even after the compromise, they are not able to get a decree of divorce due to the attitude of trial judge. Therefore, this Court expresses its displeasure and direct the Principal Family Court, Chennai to take the petition on file within a period of one week from the date of receipt of copy of this order and to dispose the same as per manner known to law. Accordingly, this Civil Revision Petition is allowed and the findings of Principal Family Court, Chennai in Copy Application in CA. No.5912 of



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2023 in O.P.SR.No.1937 of 2023 is set aside. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
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To

The Principal Judge, Family Court, Chennai.

T.V.THAMILSELVI, J.



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