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CRP.No. 3451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRP.No. 3451 of 2023

A. Faheemaslam

... Petitioner

Versus

S. Mageshwari @ Aysha

.. Respondent

Civil Revision Petition filed under Article 227 of the Constituion of India, prays to set aside the order dated 04.03.2023 passed in O.S.Sr.No. 67 of 2023 on the file of the Family Judge, Cuddalore and consequently, to direct the Family Judge, Cuddalore to number the petition.

For Petitioner

: Mr.S.T.Raja

ORDER

This Civil Revision Petition has been filed seeking to set aside the order dated 04.03.2023 passed in O.S.Sr.No. 67 of 2023 on the file of the Family Judge, Cuddalore and for consequential direction to the Family Judge, Cuddalore to number the O.S.Sr.No. 67 of 2023.



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2. Heard both side and perused the records.

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3. On a perusal of the records, it is seen that the petitioner married the respondent on 01.01.2023. Subsequently, there was some civil dispute among the family members of the petitioner and the respondent. In this regard, the respondent/wife lodged a complaint against the parents of the petitioner and the same was registered in Crime No. 31 of 2023. Thereafter, the petitioner has filed the suit in OS.Sr.No. 67 of 2023 Family Judge, Cuddalore District. After perusing the records, the Court below returned the petition on 04.03.2023 on the ground that the parties are not residing within the jurisdiction of this Court. Aggrieved by the same, the petitioner has come forward with the present Civil Revision Petition.

4. Since the marriage between the petitioner and the respondent was solemnized as per the Muslim Customs, Labbai Theru Palli Vasal Waqf and they are residing at Chidambaram in Cuddalore District, the suit filed by the petitioner is very well within the jurisdiction of the Family Court, Cuddalore. Hence, the endorsement made by the trial Court dated 04.03.2023 is not sustainable one and the same is liable to be set aside. Hence, this Court is inclined to pass the following order:-



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Cuddalore, is hereby set aside;

(ii) The trial Court is directed to number the petition in OS.Sr.No. 67 of 2023 and pass appropriate orders in accordance with law; and

(iii) Registry is directed to return the original plaint to the petitioner under written acknowledgment after retaining a copy of the same for record.

5. With the above directions, the Civil Revision Petition is disposed of.

However, there shall be no order as to costs.

21.09.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

msm

To

1. The Family Judge, Cuddalore.

2. The Section Officer, V.R.Section, High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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