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C.R.P.No.242 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.242 of 2023

Abdul Aziz

... Petitioner

Vs.

Ruzwana Farwin

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the order dated 04.08.2022 passed in CNR.No.TNVP 04-000165-2022 in Unnumbered O.S.No. of 2022 on the file of Family Court, Villupuram, set aside the same and consequently direct the Family Court, Villupuram to entertain the plaint filed by the petitioner.

For Petitioner

: Mr.S.Madhar Khan



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ORDER

The civil revision petition is filed to set aside the order dated 04.08.2022 passed in CNR.No.TNVP 04-000165-2022 in unnumbered O.S.No. Of 2022 on the file of the Family Court, Villupuram.

2. The revision petition is filed mainly on the ground that the jurisdiction of the Family Court, Villupuram is extended for the entire District of Villupuram and not confined to Villupuram Town and Taluk. Thus, the return of case paper by the Family Court, Villupuram on the ground of territorial jurisdiction is erroneous.

3. The learned counsel for the revision petitioner referred Section 7 of the Family Courts Act and contended that the Family Court shall have and exercise all the jurisdiction exercisable by any District Court or any subordinate civil Court under any law for the time being in force in respect of suits and proceedings of the nature referred to in the explanation. Therefore, the Family Court is empowered to exercise the jurisdiction for the entire District of Villupuram and thus, the Suit filed by the petitioner is to be numbered and to be tried.



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4. The Family Court, in the impugned order, made a finding that Section 7(1)(a) of the Family Courts Act describes the nature of proceeding, which can be initiated before a Family Court. As per G.O.Ms.No.1136 of Home Courts-II, Department dated 11.12.2013, the territorial jurisdiction of the Family Court at Villupuram has been notified as areas falling under 'Villupuram Town and Taluk'.

5. In the present case, neither of the parties are residing within the territorial jurisdiction of the Family Court at Villupuram. The marriage between the plaintiff/petitioner and the defendant/respondent held at Kottakuppam, which does not fall under the territorial jurisdiction of the Family Court, Villupuram. The parties lastly resided together at the plaintiff's house at Kottakuppam and accordingly, the case was returned for want of territorial jurisdiction. Consequently, the plaint was rejected.

6. When the marriage between the plaintiff and defendant was held at Kottakuppam and they have lastly resided in the plaintiff's house in the said place, the petitioner is at liberty to institute the Suit before the Court having



territorial jurisdiction and the Family Court at Villupuram cannot expand the jurisdiction over and above the territorial jurisdiction notified under provisions of the Family Courts Act. Thus, the petitioner is at liberty to represent the plaint before Court having jurisdiction for the adjudication of the Suit on merits.

7. With this liberty, the Civil Revision Petition stands disposed of. No costs.

07.02.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Judge,
Family Court,
Villupuram.



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C.R.P.No.242 of 2



S.M.SUBRAMANIAM, J.

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07.02.2023