



C.R.P.(MD).No.153 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.153 of 2019

and

C.M.P(MD) No.701 of 2019

S.Dicksona

... Petitioner/Respondent

-VS-

S.Starlin

... Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the petition in S.M.O.P.No.7 of 2019 on the file of the Family Court, Nagercoil.

For Petitioner : Mr.S.R.Anbarasu

For Respondent : Mr.P.M.Vishnuvarthan

ORDER

The instant Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the petition in S.M.O.P.No.7 of 2019 on the file of the Family Court, Nagercoil.



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2. The learned counsel for the petitioner would submit that there was no marriage solemnized between the petitioner and the respondent, and that the very filing of the S.M.O.P.No.7 of 2019 by the respondent is affecting the reputation and life of the petitioner. It is the further submission of the learned counsel for the petitioner that this petitioner was married with one Mr.Surya and that the marriage was solemnized in a grand manner on 05.11.2018.

3. The learned counsel appearing for the petitioner would further invite the attention of this Court that even when the petitioner was asked to appear before this Court in H.C.P(MD) No.1552 of 2018, she has informed before the Hon'ble Division Bench of this Court that the there was no marriage at all between the petitioner and the respondent. It is the further submission of the learned counsel for the petitioner that now, the petitioner is having two children out of the wedlock with Mr.Surya. Therefore, he would submit that the very pendency of the S.M.O.P would impinge her privacy and also will affect her matrimonial life.

4. Per contra, the learned counsel appearing for the respondent would object the adverse pleadings in the petition, however would fairly



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concede that now the petitioner is living with one Mr.Surya and has also got two children. Apart from that, the respondent herein is also not willing to pursue the S.M.O.P and fairly concede to strike off the S.M.O.P.No.7 of 2019 on the file of the Family Court, Nagercoil.

5. This Court has given it's anxious consideration to the submissions of the learned counsel on either side.

6. It is an admitted fact that the petitioner has married with one Mr.Surya and is living with him and is having two children, which factum was fairly admitted by the learned counsel for the respondent, and has also expressed that the petitioner is not interested to proceed with the S.M.O.P.No.7 of 2019.

7. The learned counsel for the petitioner has also submitted the Birth Certificates of the petitioner's two sons who born on 17.02.2020 and 17.09.2022 respectively. Further, the learned counsel for the petitioner has also submitted her Marriage Certificate registered under Section 16 of the Special Marriage Act.



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8. The learned counsel for the respondent has not disputed those documents and has fairly conceded the same.

9. Therefore, considering the said submission and also considering the fact that the petitioner has already got married with Mr.Surya, the very pendency of the S.M.O.P.No.7 of 2019 will have inexplicable adverse effect against this petitioner. Hence, this Court deems it to allow this Civil Revision Petition.

10. In the result, this Civil Revision Petition is **allowed** and the S.M.O.P.No.7 of 2019 pending on the file of the Family Court, Nagercoil is ordered to be struck off. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

27.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Family Court,
Nagercoil.



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C.KUMARAPPAN,J.

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