



C.R.P(MD)No.1505 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1505 of 2023

and

C.M.P(MD)No.7391 of 2023

Balan Armstrong

...Petitioner/Respondent/
Petitioner

Vs.

Agnes Celing Joice

...Respondent/Petitioner/
Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Family Court, Tiruchirappalli to struck down the petition in I.A.No.2 of 2022 in H.M.O.P.No.52 of 2022 on the file of the Family Court, Tiruchirappalli.

For Petitioner : Mr.A.Haja Mohideen

ORDER

The present Civil Revision Petition has been filed to direct the Family Court, Tiruchirappalli to struck down the petition in I.A.No.2 of 2022 in H.M.O.P.No.52 of 2022.



C.R.P(MD)No.1505 of 2023

2. The petitioner is the husband who has filed H.M.O.P.No.52 of 2022 for restitution of conjugal rights under Section 9 of the Hindu Marriage Act. In the said proceeding, the respondent has filed I.A.No.2 of 2022 under Order 7 Rule 11 of C.P.C to reject the application filed by the petitioner for restitution of conjugal rights.

3. Aggrieved by the same, the petitioner has filed the present civil revision petition under Article 227 of the Constitution of India.

4. It is not clear how the parties have invoked the provisions of the Hindu Marriage Act as the names of the respective parties indicate that they follow Christianity. Be that as it may, all the issues regarding maintainability of I.A.No.2 of 2022 itself can be decided by the Family Court, Tiruchirappalli. I find no merits in the present civil revision petition. The petitioner is directed to file counter in I.A.No.2 of 2022. If such counter has not been filed. In case such counter is filed, the same shall be disposed of by the Court as expeditiously as possible preferably within a period of 3 months from the date of receipt of copy of this order. In any event, H.M.O.P.No.52 of 2022 shall be disposed of within 6 months.



C.R.P(MD)No.1505 of 2023

WEB COPY

5. The present Civil Revision Petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

28.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

To

- 1.The Family Court,
Tiruchirappalli.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.1505 of 2023

C.SARAVANAN,J.

SN

C.R.P(MD)No.1505 of 2023

28.06.2023