



C.R.P(MD)No.2248 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM

THE HON'BLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.2248 of 2023

Vignesh

... Revision Petitioner/Petitioner

Vs.

Jimalia

... Respondent/Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Principal District Court, Tirunelveli, to number and take the petitioner in S.M.O.P.SR.No.2866 of 2023 on its file and to dispose it of on merits and in accordance with law and allow the present Civil Revision Petition.

For Petitioner : M/s.M.Anbarasi



C.R.P(MD)No.2248 of 2023

WEB COPY

ORDER

The Civil Revision Petition has been filed to direct the learned Principal District Judge, Principal District Court, Tirunelveli, to number the S.M.O.P.SR.No.2866 of 2023 on its file and to dispose it on merits and in accordance with law.

2. The learned counsel for the petitioner submits that the marriage between the petitioner and the respondent was solemnized on 08.09.2011. Out of the wedlock, on 07.07.2015 they were blessed with a female child namely, Swethashri. While-so, there was some matrimonial dispute between the petitioner and the respondent, thereby, the respondent left the matrimonial home in the year 2021 and stayed at Women's Hostel, Nagercoil. Thereafter, the petitioner filed a divorce petition in H.M.O.P.SR.No.18640 of 2022 before the Principal Sub Court, Tenkasi and the same was returned stating that the marriage was not taken place as per the Hindu rituals. Thereafter, the petitioner filed a divorce petition under Special Marriage Act in S.M.O.P.SR.No.2866 of 2023 and the trial Court returned the same. The reasons assigned by the Trial Court while returning the petition even without numbering the



C.R.P(MD)No.2248 of 2023

same is therefore, illegal, arbitrary and against the settled proposition of law. Hence, the petitioner was constrained to file this Civil Revision Petition to direct the Court below to number the petition in S.M.O.P.SR.No.2866 of 2023 and dispose the same on merits. Hence, he prays for allowing the Civil Revision Petition.

3.Considering the limited prayer sought for in the Revision, notice to other side is deemed unnecessary.

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. On perusal of the records, it is seen that the petitioner has approached this Court without complying the earlier conditions issued by the Trial Court. Hence, it is for the petitioner to comply with the earlier conditions issued by the Trial Court.

6 Considering the facts and circumstances of the case, this Court directs the petitioner to comply with the earlier conditions issued



C.R.P(MD)No.2248 of 2023

WEB COPY

by the Trial Court and represent the petition before the Trial Court within a period of one (01) week from the date of receipt of a copy of this order and thereafter, the learned Principal District Judge, Principal District Court, Tirunelveli, is directed to number the petition in S.M.O.P.SR.No.2866 of 2023, if it is otherwise in order, within a period of one (01) week from the date of representation.

7. With the above direction, this Civil Revision Petition is disposed of.

05.09.2023

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

RM



C.R.P(MD)No.2248 of 2023

To
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- 1.The Principal District Judge,
Principal District Court,
Tirunelveli.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.2248 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

RM

C.R.P(MD)No.2248 of 2023

05.09.2023