



C.R.P.(PD)No.1438 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.1438 of 2024

and

C.M.P.No.7702 of 2024

D.Sathiyaseelan

.. Petitioner

Vs.

V.Saranya

.. Respondent

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the order dated 24.11.2023 passed in I.A.No.471 of 2023 in H.M.O.P.No.121 of 2023 on the file of the learned Judge, Family Court, Villupuram and set aside the same.

For Petitioner : Mr.K.Prabakar

ORDER

This Revision has been preferred against an order of the Court of the learned Family Judge at Villupuram in I.A.No.471 of 2023 in H.M.O.P.No.121 of 2023, dated 24.11.2023.

2. The case of the petitioner is that the respondent/wife, who has filed



C.R.P.(PD)No.1438 of 2024

an application in H.M.O.P.No.121 of 2023 is a permanent resident of Thimmachur Village which is not situated within the jurisdiction of the Courts at Villupuram but falls within the jurisdiction of Courts at Kallakurichi. He would state that he had sent a letter to the respondent by way of registered post with an acknowledgment due and it was returned as “no such person found in the address”.

3. Therefore, he filed an application before the Family Court at Villupuram under Order VII Rule 10 of the Code of Civil Procedure read with Section 7 of the Family Court Act, 1984, to return the plaint for want of territorial jurisdiction. The learned Family Judge received the Aadhar Card from the respondent/wife which shows that she is under the care of one Vijayan, who is residing at 13/5, Kuppusamy Main Street, V.Maruthur, Villupuram Town, Villupuram District. Therefore, the Court was convinced that the petitioner, before it, is a resident of Villupuram and therefore, she has jurisdiction to try the proceedings.

4. The learned counsel for the petitioner would draw my attention to



C.R.P.(PD)No.1438 of 2024

the registered letter sent by him at Page No.55 of the typed set of papers in order to state that this document would show that she is not residing at V.Maruthur. The learned Family Judge has gone on the basis of the Aadhar Card and he has given convincing reasons in Paragraph No.10 of the order. Apart from that, for want of territorial jurisdiction, the petitioner must also prove that if the proceedings are contested at Villupuram, it will lead to “failure of justice”.

5. Infact, in the grounds of revision that there is not even a sentence that the proceedings occur in Villupuram, it will lead to “failure of justice”. This is an essential requirement under Section 21 of the Code of Civil Procedure. The petitioner is a resident of Tirukoilur which is about 40 Kms from Villupuram. Therefore, no prejudice was caused to the petitioner if he has to contest the proceedings before the Villupuram Court.

6. However, being the family proceedings, the learned Family Judge is requested to consider the appearance of the petitioner only for the essential hearings and for other hearings, he might be represented through a Counsel. With the above directions, this Civil Revision Petition stands



C.R.P.(PD)No.1438 of 2024

dismissed. No costs. Consequently, connected Civil Miscellaneous Petition
is closed.

10.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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C.R.P.(PD)No.1438 of 2024

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To

The Family Court,
Villupuram

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and
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