



C.R.P.No.1343 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1343 of 2024

Ruby Devapriya

... Petitioner

Vs.

David Sridhar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to pass orders to the Trial Judge to number the I.A.SR.No.4009/2023 in I.D.O.P.No.60/2016 on the file of the Judge, Family Court, Chengalpet, Chengalpet District.

For Petitioner : Mr.T.S.Charles
For Respondent : No Appearance

ORDER

Challenging the impugned docket order, dated 28.11.2023 in I.A.SR.No.4009 of 2023 in F.C.I.D.O.P.No.60 of 2016 passed by the learned Judge, Family Court at Chengalpet, this civil revision petition has been filed.



C.R.P.No.1343 of 2024

2.The learned counsel for the petitioner submitted that the petitioner obtained divorce from the respondent *vide* judgment and decree, dated 11.07.2017 in F.C.I.D.O.P.No.60 of 2016 passed by the learned Judge, Family Court at Chengalpet. Thereafter, the petitioner found that her name wrongly mentioned as Ruby Devapriya whereas her correct name is J.Ruby, hence, she filed amendment petition under Order 6 Rule XVII to carry out amendment. In support of her contention, the petitioner produced Ration Card, Aadhar Card, PAN Card and Bank passbook to show that she is called as Ruby, D/o.Jaganathan. But the learned Judge, Family Court at Chengalpet returned petition recording as follows:

“Main petition mentioned name of the petitioner's cannot be changed at this stage and also the amendment can't be changed. Hence, returned.”

3.Notice ordered to the respondent on 28.03.2024, but it was returned unserved. Despite the respondent's name printed in the cause list, no representation for the respondent either in person or by any counsel. Even in F.C.I.D.O.P.No.60 of 2016, the respondent had set exparte.



C.R.P.No.1343 of 2024

WEB COPY

4.Considering the submission of the learned counsel for the petitioner and on perusal of the documents produced, it is seen that in PAN Card, Indian Bank passbook, Aadhar Card and Ration Card, the petitioner's name recorded as Rubi, D/o.Jaganathan and not as Ruby Devapriya. In view of the same, there may not be any variance in the judgment and decree, dated 11.07.2017 in F.C.I.D.O.P.No.60 of 2016 if amendment is carried out as prayed for.

5.In view of the above, the impugned docket order, dated 28.11.2023 in I.A.SR.No.4009 of 2023 in F.C.I.D.O.P.No.60 of 2016 passed by the learned Judge, Family Court at Chengalpet is set aside. The learned Judge, Family Court at Chengalpet is directed to entertain the petition and carry out the amendment in the judgment and decree, dated 11.07.2017.

6.Registry is directed to return all original papers filed along with this revision to the learned counsel for the petitioner.



WEB COPY



C.R.P.No.1343 of 2024

M.NIRMAL KUMAR, J.

vv2

7.In the result, this civil revision petition stands allowed. No costs.

09.07.2024

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index : Yes/No

Internet : Yes

vv2

To

The Family Court at Chengalpet.

Note: Issue Order Copy on 15.07.2024.

C.R.P.No.1343 of 2024