



C.R.P.No.1032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No. 1032 of 2024

K. Ranganathan S/o. Krishnasami ... Petitioner

vs.

Vimala W/o. K. Ranganathan ... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Code of Civil Procedure, praying to set aside the order dated 24.11.2023 passed in unnumbered O.S. before the Family Court, Cuddalore.

For Petitioner : Mr. R. Gururaj
for Mr. D. Baskar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Family Court, Cuddalore returning the unnumbered plaint for want of territorial jurisdiction.



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2. The petitioner herein filed a Suit for declaration of title and injunction against the respondents in respect of immovable properties situated at Chidambaram Registration District, Puduchatram Sub Registry, Villianallur Village, Bhuvanagiri Taluk.

3. The plaint was presented before the Family Court, Cuddalore on the ground that the petitioner and his wife are husband and wife and the properties were purchased in the name of defendant by utilizing the funds of the petitioner.

4. By the impugned order, the Family Court, Cuddalore returned the plaint on the ground that it has no territorial jurisdiction over the Bhuvanagiri Taluk and hence the plaint shall be presented before the Court having territorial jurisdiction over Bhuvanagiri Taluk. Aggrieved by the said order, the petitioner is before this Court.

5. The learned counsel appearing for the petitioner by taking this Court to Section 7(i)(c) read with Section 8 of Family Courts Act submits that



the Family Court has got jurisdiction to entertain the present plaint and the same has been erroneously returned by the Family Court, Cuddalore by overlooking the provision of law.

6. Section 3 of Family Court Act reads as follows:-

“3. Establishment of Family Courts:- (1) For the purpose of exercising the jurisdiction and powers conferred on a Family Court by this Act, the State Government, after consultation with the High Court, and by notification, -

(a) shall, as soon as may be after the commencement of this Act, established for every area in the State comprising of city or town whose population exceeds one million, a Family Court;

(b) may establish Family Courts for such other areas in the State as it may deem necessary.

(2) The State Government shall, after consultation with the High Court, specify, by notification, the local limits of the area to which the jurisdiction of a Family Court shall extend and may, at any time, increase, reduce or alter such limits”.

7. A reading of the above provision would make it clear that the Family Courts are established by the State Government after consultation with the High Court by notification for the purpose of exercising jurisdiction and powers and therefore, the territorial limits of Family Court is specified by the State Government in consultation with the High Court in the notification itself. It is not in dispute that the Family Court at Cuddalore has got territorial jurisdiction over the Taluk of Cuddalore and its territorial



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jurisdiction is not extended to the Taluk of Bhuvanagiri in which the present Suit property is situated. The Suit is filed for declaration of title and injunction. The relief sought for in respect of immovable property situated outside the territorial limit of Family Court. Therefore, the Court below rightly returned the plaint for presentation before the Court having territorial jurisdiction. I do not find any error in the order passed by the Court below.

8. Accordingly, this Civil Revision Petition stands dismissed. The Registry is directed to return the original Plaint to the learned counsel for the petitioner to enable him to present it before the Court having territorial jurisdiction. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
mjs

Note: Registry is directed to return the original Plaint filed by the petitioner to the counsel appearing for the petitioner.



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S.SOUNTHAR, J.

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To

The Family Court, Cuddalore District.

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