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C.R.P. No.2158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

C.R.P. No.2158 of 2024

and

CMP.No.11459 of 2024

A. Sonu

... Petitioner / Respondent

Vs.

S. Jayakumar

... Respondent / Petitioner

Prayer: Civil Revision Petition is filed under Section 115 of the CPC against the Order and Decretal Order dated 11.3.2024 in I.A. No.2 of 2024 in H.M.O.P. No.3949 of 2023 dated 01.04.2024 passed by the Hon'ble IV Additional Family Court at Chennai dismissing the I.A. No.2 of 2024.

For Petitioner : Mr. S. Nambi Arooran

For Respondent : Mr. S. Veeraraghavan

ORDER

This Civil Revision Petition is filed challenging the Order passed in I.A.No.02/2024 in O.P.No.3949 of 2023 rejecting the petition filed under

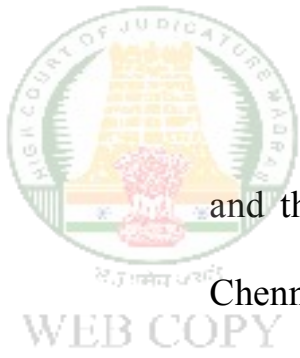


Order VII Rule 11 (a) and (d) of CPC to reject the plaint filed by the revision petitioner.

2. The learned counsel appearing for the petitioner submitted that there is no marriage solemnized between the petitioner and the respondent. The marriage certificate which was registered by the Joint Registrar - II, Saidapet, Chennai, vide Certificate No.35 of 2018 has been declared as invalid by this Court in its Order dated 15.04.2024 in W.P.No.23495 of 2023.

3. The learned counsel appearing for the respondent would submit that the marriage has been solemnized and that is the reason why he has filed the petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights. The revision petitioner has filed the I.A. No.02 of 2024 to reject the above petition.

4. The learned counsel appearing for the petitioner submitted that he has filed O.P.No.2084 of 2024 to declare the marriage as null and void



and the same is pending before the IV Additional Principal Family Court, Chennai.

5. The learned counsel appearing for the respondent submitted that this Court may direct the Trial Court to conduct joint trial of O.P.No.3949 of 2023 along with O.P.No.2084 of 2024 and dispose of the same within a time limit to be fixed by this Court.

6. The learned counsel appearing for the petitioner has no objection for the above submission made by the learned counsel appearing for the respondent and agreed for a joint trial of both the original petitions pending before the IV Additional Principal Family Court, Chennai.

7. In view of the above submissions made by the learned counsel appearing on either side, this Court directs the IV Additional Principal Family Court, Chennai, to conduct a joint trial in O.P.No.3949 of 2023 (petition for restitution of conjugal rights) along with O.P.No.2084 of 2024 (to declare the marriage as null and void) and dispose of the same as expeditiously as possible, preferably, within a period of four months from



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the date of receipt of the copy of the order.

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8. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

30.05.2024

Index : Yes/No
Internet: Yes/No
Neutral Citation : Yes/No
stn/gv

To
The IV Additional Principal Family Court, Chennai.

J. SATHYA NARAYANA PRASAD, J.



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