



C.R.P.No.3300 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3300 of 2024

T.Selvaraj

... Petitioner

Vs

Pon Kamatchi.

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the return order dated 15.07.2024 made in HMOP.SR.No.5042 of 2024 on the file of the Sub Court, Poonamallee, and direct the trial Court to number HMOP.SR.No.5042 of 2024.

For Petitioner : Mr.S.Sai Shankar

ORDER

This Civil Revision Petition has been filed by the petitioners against the order passed by the learned Subordinate Judge, Poonamallee in HMOP.SR.No.5042 of 2024 dated 15.07.2024 and also seeking for a direction to the Sub Court, Poonamallee, to number HMOP.SR.No.5042 of 2024.



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2. It is the case of the petitioner that he has filed the Hindu Marriage Original Petition against his wife under Section 13(1)(i-a)(ii) of Hindu Marriage Act, 1955, on 18.06.2024. The petition was returned on 24.06.2024 with the endorsement “1) Respondent Date of Birth to be furnished with proof of document 2) Time one month”. Since the petition was returned to produce the proof of date of birth of the respondent, the petitioner had furnished the copy of his wife's Aadhaar card and complied the return, however, the petition was once again returned on 15.07.2024 stating reasons “1) Birth Certificate (or) Transfer Certificate of the respondent to be enclosed for Date of Birth. 2) Time one month”. Aggrieved by the same, the present revision has been filed.

3. Learned counsel for the petitioner submitted that the return of HMOP.SR.No.5042 of 2024 is only for the purpose of verifying the date of birth of the respondent/wife and the petitioner was not in possession of his wife's birth certificate, whereas, to prove her date of birth, the petitioner had furnished her Aadhaar Card. However, without any proper reason, the trial Court had returned the petition. The trial Court, ought not to have return the petition repeatedly and it



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should have clarified with the petitioner. Thereby, the civil revision petition has been filed seeking to set aside the return order dated 15.07.2024 and to direct the learned trial Judge to number the petition.

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

5. It is seen from the records that the petitioner has filed the petition HMOP.SR.No.5042 of 2024 under Section 13(1)(i-a)(ii) of Hindu Marriage Act, 1955, before the Sub Court, Poonamallee and the same was returned on 24.06.2024 directing the petitioner to produce the proof for the date of birth of his wife/respondent and the petitioner has furnished the copy of the Aadhar card to prove the age of the respondent. However, the trial Court had once again returned the petition on 15.07.2024. When the petition was returned for want of proof of date of birth, the petitioner had represented along with the copy of the Aadhaar card, whereas, there is no reason or logic in the trial Court in returning the petition once again.



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6. In view of the above, this Civil Revision Petition stands allowed and the impugned order passed by the learned Subordinate Judge, Poonamallee in HMOP.SR.No.5042 of 2024 on 15.07.2024 is hereby set aside and the learned Subordinate Judge is directed to call the case in open Court, hear the counsel and number the petition.

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Index : Yes / No

Neutral Citation : Yes / No

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Note : Registry is directed to return the original papers to the counsel for the petitioner forthwith to enable him to represent before the trial Court.

To

The Sub Court, Poonamallee.



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A.D.JAGADISH CHANDIRA, J.

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