



C.R.P.(PD)No.4093 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.10.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4093 of 2024

A.Niranjana

.. Petitioner

Vs

M.Baskar

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, for a direction to the learned Principal Judge, Family Court, Chennai, to entertain, number, take on file the original petition in H.M.O.P.SR.No.5160 of 2024 filed by the parties herein.

For Petitioner : Dr.K.Santhakumari

ORDER

Heard the learned counsel for the petitioner and I have carefully perused the records.



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2. This civil revision petition is filed by the wife. She is aggrieved over the fact that the learned Principal Family Judge, Chennai, has refused to number the petition filed under Section 13B of the Hindu Marriage Act, 1955. This is the second instance in which the parties have approached the High Court.

3. The petitioner and the respondent solemnised their wedding on 07.06.2009. From the wedlock, a child was born on 22.05.2010. Several proceedings were pending before the VII Additional Family Court, Chennai, in O.P.No.3054 of 2011, O.P.No.1499 of 2013, G.W.O.P.No.1254 of 2021 and E.P.No.14 of 2016. The husband had initiated O.P.No.197 of 2022 on the file of the Principal Subordinate Court at Srivilliputhur, Virudhunagar. Hence, the wife moved a petition to transfer the proceedings from Virudhunagar to the Family Court at Chennai.

4. When the matter came up before me on 03.06.2024, I recorded the fact that the parties have decided to file a petition under Section 13B of the Hindu Marriage Act. I also extracted the broad terms of settlement. Pursuant thereto, Dr.K.Santhakumari informs me that the litigations



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pending before the VII Additional Family Court, Chennai were withdrawn and the petitioner wife and the respondent husband filed a petition under Section 13B of the Hindu Marriage Act on 29.08.2024. The said petition was not numbered on account of the fact that the petitioner has furnished only her hostel address and not her residential address. The typed set of papers reveal that the petitioner wife is undergoing her training at Shankar IAS Academy for a couple of years. She has also produced receipts from the ladies hostel where she is residing. The learned Family Judge has not taken note of the fact that the VII Additional Family Court, Chennai, had already been trying the proceedings listed out above.

5. When the parties want to part ways and that they have appeared before this Court and have expressed their willingness to separate, to continue the marriage on paper in itself would amount to harassment, when the couple do not want to continue the matrimony further, learned Family Judge could have called for the parties and recorded their statements and disposed of the divorce proceedings. Instead, they are constrained to approach this Court again and again.



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6. In the light of the above discussion, since proceedings have already been pending before the VII Additional Family Court, Chennai for more than 13 years, there shall be a direction to the learned Principal Judge, Family Court at Chennai to receive H.M.O.P.SR.No.5160 of 2024 and number the same.

7. This civil revision petition is ordered accordingly. There shall be no order as to costs.

14.10.2024

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

Note to the Registry:

The original of the petition enclosed by the civil revision petitioner shall be returned to her after obtaining usual endorsement.

kj

To

The Principal Judge, Family Court, Chennai.



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V. LAKSHMINARAYANAN,J.

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