



C.R.P.(MD)No.311 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.311 of 2024

B.Sangeethkumar

... Petitioner/Petitioner

Vs.

A.Poongudi

... Respondent/Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order, dated 30.01.2024 and consequently direct the Family Court, Karur, to number the Unnumbered H.M.O.P.S.R.No.290 of 2024 [F.No.OP/40/2024] within stipulated time fixed by this Court.

For Petitioner : Mr.S.Gokulraj

ORDER

This civil revision petition has been filed set aside the docketal order, dated 30.01.2024 and consequently direct the Family Court, Karur, to number the Unnumbered H.M.O.P.S.R.No.290 of 2024 [F.No.OP/40/2024] within stipulated time fixed by this Court.



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2.The petition filed by the petitioner before the trial Court came to be returned by the Family Court, Karur, stating that already award was passed in H.M.O.P.No.310 of 2023, on 14.10.2023, hence, he has to wait for one year. But, for which the petitioner's counsel stated that the petitioner filed the petition seeking divorce not only on the ground of desertion, but on the ground of cruelty also. Therefore, non entertaining the petitioner on the Judicial side is not permissible.

3.But, entertaining the petition on Administrative side is not proper. On that sole ground without entering into the merits of the matter, the docket order, dated 30.01.2024, in Unnumbered H.M.O.P.S.R.No.290 of 2024 [F.No.OP/40/2024] on the file of the Family Court, Karur, is hereby set aside. The petitioner is permitted to represent the above said petition before the trial Court and the same shall be decided by the trial Court on its judicial side on merits. Let the original petition be returned to the petitioner under proper acknowledgment for representation.



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4. With the above said directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

Note: Issue Order copy on 15.02.2024

To

1. The Judge, Family Court, Karur.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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