



C.R.P.(MD)No.2323 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2323 of 2024

V.Chitra

... Petitioner / Petitioner / Petitioner

Vs.

M.Madhan Kumar

... Respondent / Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of return in unnumbered I.A.No.... of 2024 in Unnumbered H.M.O.P.SR.No.2350 of 2024, dated 22.07.2024 on the Family Court, Karur by allowing the revision petition.

For Petitioner : Mr.H.Arumugam

ORDER

Heard the learned counsel appearing for the revision petitioner. Issuance of notice to the respondent is dispensed with.

2. The petitioner's marriage with the respondent was solemnized on 12.06.2024. On 15.07.2024, she filed H.M.O.P.SR.No.2350 of 2024 on the file



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of the Family Court, Karur for dissolving the marriage. Section 14 of the Hindu Marriage Act, 1955, states that the divorce petition should not be presented within one year of marriage. However, the proviso to Section 14 of the Act enables such presentation within one year of marriage, if the case is one of exceptional hardship. In this case, the petitioner filed I.A invoking the proviso for numbering H.M.O.P. The grievance of the petitioner is that this IA was returned as not maintainable even without numbering the same.

3. The learned counsel for the petitioner drew my attention to ***L.L.R. (1997) 2 MADRAS 1375 (M.S.Haja Rasool Vs. Annadurai & others)*** for the proposition that when an interlocutory application is filed, it must be numbered and given disposal as per law. In this case, the court below ought to have numbered IA.

4. It is open to the petitioner to re-present H.M.O.P.SR.No.2350 of 2024 along with IA for invoking the proviso to Section 14 of the Hindu Marriage Act. IA shall be numbered immediately by the court below and given disposal as per law within a period of two weeks thereafter. It is relevant to note here that IA invoking the proviso to Section 14 of the Hindu Marriage Act can be considered on merits even without issuing notice to the respondent in IA.



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5. The civil revision petition is disposed of accordingly. No costs.

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NCC : Yes / No
Index : Yes / No
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NOTE: Registry is directed to return the original papers
filed by the petitioner herein to the learned counsel for the petitioner
after the same are substituted by true copies.

To:

The Family Court, Karur.



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G.R.SWAMINATHAN, J.

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