



C.R.P.(MD)No.2124 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2124 of 2024

P.Ganesan

... Petitioner / Petitioner

Vs.

Rathina

... Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 13.08.2024 passed in returning the un numbered H.M.O.P SR.No./2024 on the file of the learned Family Court, Trichirappalli by allowing this civil revision petition by directing the learned Family Judge to take on file.

For Petitioner : Mr.Jegan Manohar

ORDER

The petitioner herein presented a petition under Section 13(1)(i-a) of Hindu Marriage Act before the Family Court, Trichirappalli on 09.02.2024. On 07.03.2024, it was returned for the following reasons:-



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“1. The marriage between the parties solemnized as per which rites and customs to be mentioned.

2. The place of marriage has to be mentioned.

3. The provision under which court fees paid has to be mentioned.

4. The father name of petitioner has to be mentioned in cause title.

5. The original marriage invitation has to be filed.

6. Sufficient stamps has to be affixed in postal cover.

7. A fresh docket sheet to be attached.”

2. The matter was being called from time to time without being numbered. It was again returned that the marriage invitation card had not been enclosed. When the petitioner's counsel re-presented the same by relying on the decision reported in 2021 (4) CTC 539 (Selvaraj Vs. Koodankulam Nuclear Power Plant India Ltd.), it was once again returned on the ground that the high court order copy can be produced along with the petition. The final return was made on 13.08.2024 calling upon the petitioner to file an affidavit on the ground that the affidavit has not been filed for non production of the marriage invitation. In these circumstances, the petitioner has filed the civil revision petition to direct the court below to number the HMOP.



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3. It is seen that the respondent namely Mrs.Rathina had filed M.C.No. 114 of 2023 on the file of the Family Court, Trichy seeking maintenance from the petitioner. When the maintenance case filed by the respondent is pending before the very same Court, I fail to understand as to why the court below should insist on production of the marriage invitation card.

4. As rightly pointed by the learned counsel appearing for the petitioner, the issue of numbering a plaint / petition had been dealt with in the decision reported in 2021 (4) CTC 539. It had been laid down therein that production of documents should not be insisted at the numbering stage. In this case, according to the petitioner, marriage had taken place in the year 1996. The divorce petition has been filed 28 years after the marriage was solemnized. It is quite possible that the marriage invitation card has been misplaced. Therefore, no purpose would be served by insisting upon production of such a document. The returns have been needlessly made. The courts below shall take note of the directions issued in C.R.P.(MD)No.915 of 2020 etc., batch dated 16.07.2021 so that when the courts are approached for relief, the petitions and plaints are taken on file expeditiously. Registry is directed to return the original HMOP filed by the petitioner herein. The petitioner is permitted to re-present the same



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before the Family Judge, Trichirappalli. The learned Family Judge, Trichirappalli is directed to number the same immediately and without any delay.

5. The Civil Revision Petition is allowed. No costs.

06.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Family Court, Trichirappalli.



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G.R.SWAMINATHAN, J.

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