



C.R.P.(MD)No.2502 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2502 of 2024

Arokia Mejalla Terese

... Petitioner / Petitioner

Vs.

S.Anantha Kumar

... Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Family Judge, Tirunelveli to number I.D.O.P.SR.No. 1222 of 2024 and dispose of the same on merits.

For Petitioner : Mr.D.Venkatachalam

ORDER

The revision petitioner herein filed IDOP before the Family Court, Tirunelveli under the relevant provisions of the Divorce Act, 1869 for dissolving her marriage with the respondent herein. According to the petitioner, the marriage took place on 20.05.2015 at Sahayammadha Church, Jawaharnagar, Palayamkottai. The petition was returned primarily on the



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ground that the petitioner must produce the marriage registration certificate issued by the concerned church. The petitioner re-presented the petition by pointing out that the marriage certificate issued by the church has been enclosed as Document No.6. The court below has taken the view that the document furnished by the petitioner does not appear to be the marriage registration certificate issued by the Church. The petitioner's counsel asserts that what was issued by the church purporting to be a marriage certificate has been enclosed along with the petition. This issue need not detain the court below at this stage. This is more so because, the marriage certificate issued by the jurisdictional Marriage Registrar, Melapalayam has been enclosed.

2. A learned Judge of this Court had highlighted vide order dated 16.07.2021 in C.R.P.(MD)No.915 of 2020 etc., that at the stage of numbering the plaint, the document evidencing the marriage ought not to be insisted upon as that would amount to assuming the character of adjudication by the registry. The aforesaid order would squarely apply to the case on hand. The court below is directed to number I.D.O.P.SR.No.1222 of 2024 and take the same on its file.

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

17.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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NOTE: Registry is directed to return the original papers to the learned counsel for the revision petitioner.

To:

The Family Judge, Tirunelveli.



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G.R.SWAMINATHAN, J.

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