



C.R.P(MD)No.2577 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2577 of 2024

Dharmabalan

... Petitioner /
Petitioner
(husband)

Vs.

Sivagami Ramachandran

... Respondent /
Respondent
(wife)

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the “E Court's Diary” Extract dated 09.09.2024 and to pass an order of speedy disposal of the case made in S.M.O.P.No.595 of 2024 pending on the file of Family Court, Madurai and allow the above Civil Revision Petition.

For Petitioner : Mr.P.Mahendran



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ORDER

Heard the learned counsel appearing for the revision petitioner.

2.The petitioner filed S.M.O.P.No.595 of 2024 on the file of Family Court, Madurai under the relevant provisions of the Special Marriage Act, 1954 for dissolving his marriage with the respondent herein. The marriage between the parties took place on 20.01.2008. Two children were born through the wedlock. The children are presently with the respondent. The petitioner states that when the respondent was very much available in Madurai, she refused to receive the summons. Order 5 Rule 17 CPC states that when the defendant refuses to sign the acknowledgment, the serving officer shall affix a copy of the summons on the outer door or some other conspicuous part of the house in which the defendant is residing and shall then return the original to the Court from which it was issued, with a report endorsed thereon stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person by whom the house was identified and in whose presence the copy was affixed.



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3.In this case, it appears that the serving officer failed to make such an affixture. Therefore, the Court below rightly came to the conclusion that service has not been effected till date.

4.The learned counsel for the petitioner informs the Court that the respondent is presently at Dubai. She is working as a teacher. The petitioner has made available the address as well as email ID to the respondents.

5.The Court below is directed to adopt the procedure laid down in Order 5 Rule 25 of CPC. If the postal service is once again refused, the Court below shall treat that service has been effected.

6.With this direction to the Court below, this Civil Revision Petition is disposed of. There shall be no order as to costs.

23.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

The Family Court,
Madurai.

C.R.P(MD)No.2577 of 2024

and

C.M.P(MD)No.5969 of 2024

23.10.2024