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CRP No.1940 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP No.1940 of 2025

I.Syed Afifa Salma

... Petitioner

Vs.

M.Mohamed Nafees

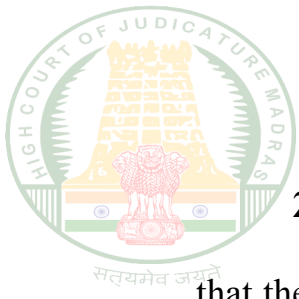
... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the return order dated 02.04.2025 made in O.S.Sr.No.69 of 2025 on the file of Family Court, Dharmapuri and direct the Hon'ble Family Court, Dharmapuri to number the O.S.Sr.No.69 of 2025 and taken to the file.

For Petitioner : M/s.D.Kalaiselvi

ORDER

Challenging the frequent returns being made by the Family Court, Judge, Dharmapuri without numbering the suit, the plaintiff is the petitioner before this Court.

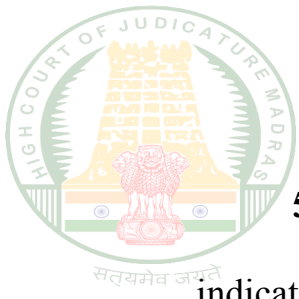


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2. The suit has been filed by the petitioner/plaintiff for a declaration that the respondent/defendant is no more her legal husband as the marriage solemnised between them on 09.07.2023 was dissolved as per the customary practice of the Personal Law on 17.02.2025.

3. The suit was presented for filing on 06.03.2025 before the Family Court Judge, Dharmapuri. The learned Judge has directed the Registry to check the same and had directed the matter to be posted on 13.03.2025. On 13.03.2025 the said plaint was returned primarily to explain under what provisions of Muslim Law, Document No.11 is valid. A detailed explanation has been provided by the plaintiff setting forth how the suit is maintainable and the same was represented on 28.03.2025. Once again, on 02.02.2025, the plaint was returned with the endorsement to explain as to how in the light of Clause 5 of document no.11 the suit is maintainable and parties were directed to file a petition for divorce by mutual consent on the terms of document no.11. Since no useful purpose would be served by representing the papers before the learned Family Court Judge, Dharmapuri, the petitioner has moved this Court.

4. Heard the learned counsel for the petitioner and perused the records.



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5. A perusal of the returns as well as the representation clearly indicates that the queries raised by the Trial Court have been satisfactorily answered by the petitioner/plaintiff despite which the papers are being returned once again for the very same reason couched in a different language.

6. Therefore, the Civil Revision Petition stands allowed. The impugned return dated 02.04.2025 made in OS.SR.No.69 of 2025 by the learned Family Court, Judge, Dharmapuri is set aside. The learned Family Court, Judge, Dharmapuri is directed to number the plaint in OS.SR.No.69/2025. No costs.

30.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

Note:- The Registry is directed to return the original plaint to the petitioner's counsel after getting due acknowledgement.

To

1.The Family Court, Dharmapuri



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(shr)

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