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CRP.No.3953 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.3953 of 2025

M.Duraipandian

... Petitioner

Vs.

J.Nivetha

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket order dated 01.08.2025 passed in unnumbered H.M.O.P.Filing No.4107 of 2025 on the file of the Sub Court, Rasipuram and numbering the H.M.O.P.

For Petitioner : Mr.P.Veeraragahavan

ORDER

This Civil Revision Petition has been filed challenging the docket order dated 01.08.2025 refusing to entertain the divorce petition filed by the petitioner/husband.



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2. The petitioner/husband has stated that the petitioner/husband and the respondent/wife last resided together in the residence of the petitioner at Rasipuram and the same has been specifically mentioned in paragraph No.7 of H.M.O.P petition. However, the learned Sub Judge, Rasipuram, has returned the petition questioning the jurisdiction of the Court to entertain the said divorce petition.

3. I find that the return has been complied with by the petitioner stating that the petitioner resides at Rasipuram. However, the reliance placed on Section 19 of the Hindu Marriage Act, does not come to rescue of the petitioner where the petitioner resides. Amendment to Section 19 of the Hindu Marriage Act was introduced only to enable the wife being the petitioner to file a petition before the Court within whose jurisdiction she resides. Therefore, the compliance made on this Court is not sustainable. However, the learned counsel appearing for the petitioner, inviting my attention to paragraph No.7 of H.M.O.P Petition, would state that the petitioner and the respondent/wife last resided together within the jurisdiction of the Sub-Court, Rasipuram and there is a specific averment in that regard even in H.M.O.P petition. Therefore, he seeks appropriate direction to be issued to the Sub Court, Rasipuram.



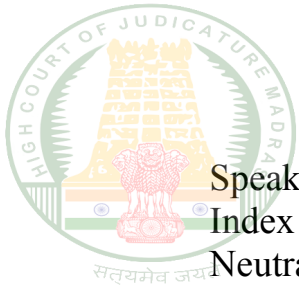
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4. Even in terms of Section 19(iii) of the Hindu Marriage Act, the Court within whose jurisdiction the parties last resided together is competent to entertain the petition for divorce under the Hindu Marriage Act.

5. In the light of the above, this Civil Revision Petition is disposed of with a direction to the petitioner to re-present the H.M.O.P specifically adverting to the maintainability of the petition under Section 19(iii) of the Hindu Marriage Act and thereafter, the Sub Court, Rasipuram, if necessary, shall hear the petitioner in the open Court on maintainability of the petition and thereafter, pass final orders on the maintainability. The petitioner is permitted to amend the petition before re-presenting and such re-presentation shall be made within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs.

22.08.2025



CRP.No.3953 of 2



Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

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To

The Sub Court, Rasipuram.



WEB COPY

CRP.No.3953 of 2



P.B. BALAJI,J.

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