



WEB COPY



C.R.P.No.4123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4123 of 2025

and

CMP.No.21260 of 2025

S.Rajkumar

...Petitioner

Vs.

M.Arthi

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 03.07.2025, passed in I.A.No.Nil of 2025 in H.M.O.P.No.2434 of 2024 by the Hon'ble Principal Family Court, Chennai and direct the Hon'ble Principal Family Court, Chennai to take up the petitioner's application on file and decide the issue of jurisdiction as a preliminary issue before proceeding with the trial.

For Petitioner : Mr.K.Pragadeesh Kumar

ORDER

Heard the learned counsel for the petitioner.



C.R.P.No.4123 of 2025

WEB COPY

2. The revision petitioner is the husband. The petitioner has filed an Interlocutory Application in O.P.No.2434 of 2024 challenging the maintainability of the HMOP on the ground of territorial jurisdiction. The learned Principal Family Court has returned the petition with the following endorsement:

“How this petition maintainable at this stage? Hence, returned.”

3. The learned counsel for the revision petitioner would bring to my attention the order of this Court dated 27.09.2024 in Tr.C.M.P.No.682 of 2024, which application was filed at the instance of the respondent / wife. Even in the said Tr.C.M.P., the revision petitioner herein has objected to the maintainability of the OP on the ground of the residence of the respondent / wife being Guduvancheri, and that the respondent / wife has given a false address as if she resides there.

4. This Court, while allowing the transfer, has given liberty to the petitioner / husband to take up the said contention before the Family Court, Chennai, in an appropriate manner. In view of the said liberty granted, the present application in unnumbered I.A. has been taken up by the petitioner.



C.R.P.No.4123 of 2025

WEB COPY

5. The learned counsel for the petitioner also states that the order of this Court was also brought to the notice of the learned Principal Family Judge. Despite the same, the application has not been entertained. When this Court has specifically given liberty to the petitioner / husband to move an appropriate application questioning the maintainability of the HMOP, the learned Family Court ought to have entertained the present application without returning the same on the ground that it has been taken out belatedly.

6. In the light of the above, I am inclined to set aside the docket order dated 03.07.2025 and direct the learned Principal Family Court to number the said I.A. filed by the petitioner under Section 19 of the Hindu Marriage Act, if it is otherwise in order.

7. Registry is directed to return the original affidavit & petition, which has been filed along with the revision, to the learned counsel for the petitioner, after getting an acknowledgment.

3/5



C.R.P.No.4123 of 2025

WEB COPY

8. This Civil Revision Petition is allowed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

29.08.2025

jas

To

The Principal Family Court, Chennai.

P.B.BALAJI. J.

jas



WEB COPY



C.R.P.No.4123 of 2025

**C.R.P.No.4123 of 2025
and
CMP.No.21260 of 2025**

29.08.2025