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C.R.P.No.4547 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.4547 of 2024 &
CMP.No.25352 of 2024

G.Kothandaraman

.. Petitioner

Versus

Latha

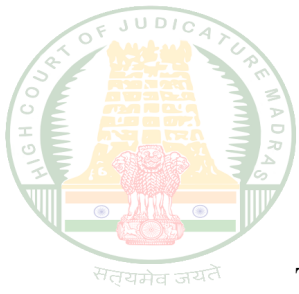
.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to revise the order of the learned IV Additional Principal Family Court at Chennai made in I.A.No.3 of 2022 dated 12.01.2024 so as to reject O.P.No.5091 of 2021.

For Petitioner : Mr.N.Jothi, Senior Counsel,
Mr.N.Srinivasulu

For Respondent : Mr.R.Thiyagarajan

ORDER



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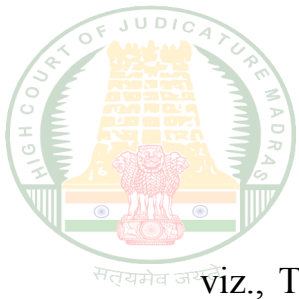
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This civil revision petition challenges the order passed by the learned IV Additional Principal Family Court at Chennai in I.A.No.3 of 2022 in O.P.No.5091 of 2021 dated 12.01.2024.

2. For the sake of the convenience, the parties shall be referred to as per their ranks in the Original Petition.

3. O.P.No.5091 of 2021 is a petition filed under Section 9 of the Hindu Marriage Act. In the said proceedings, the respondent filed an application seeking for rejection of Original Petition. This petition was numbered as I.A.No.3 of 2022. After receipt of a counter, the learned Trial Judge by order dated 12.01.2024 dismissed the application. Hence, this revision.

4. OP.No.5091 of 2021 pleads that the marriage between the petitioner and the respondent was solemnized on 15.08.1999. It was in accordance with Hindu Rites and Customs. It is alleged that the marriage took place at Sri Angala Parameswari Temple at Vadapalani in Chennai. The petitioner pleaded that the marriage took place in the presence of friends,



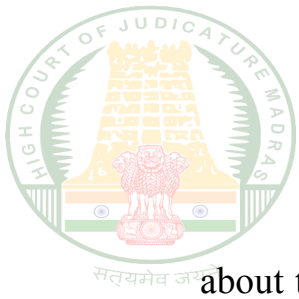
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viz., Thilagar, Bharani and few others. The petitioner further pleaded that the parties set up their matrimonial home at No.40/A, Vasantha Nagar, Thiruvottriyur, Chennai.

5. The petitioner further stated that prior to the matrimony, the petitioner was an employee with the respondent. During this period of employer-employee relationship, the parties developed an intimate relationship. In the relationship, the petitioner conceived on a couple of occasions. On the request of the respondent, the pregnancies were terminated. The petitioner pleaded that on 15.05.1996, the respondent tied a mangalsutra to the petitioner at her residence. Subsequently, the respondent married the petitioner as aforesaid. The petitioner pleaded that she has photographs and evidences to support the said pleadings. She pleaded that the respondent started refusing his society with her and it constrained her to file a petition for restitution of conjugal rights.

6. Summons were served on the respondent. He did not appear before the learned Family Judge. The learned Family Judge set the respondent *exparte*. An *exparte* decree was passed on 28.04.2022. On coming to know



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about the *exparte* decree, the respondent filed an application in I.A.No.1 of 2022 to condone the delay of 36 days in filing an application to set aside the *exparte* decree dated 28.04.2022. Along with the said application, the respondent also filed another application under Order IX Rule 13 of the Code for setting aside the *exparte* decree.

7. On the petitioner, making an endorsement before the learned Judge on 12.07.2022, that the delay may be condoned without prejudice to her rights, the application to condone the delay stood allowed on that date. On 14.07.2022, the *exparte* decree was also set aside. The parties were restored to their original position. Thereafter on 20.07.2022, the respondent filed an application in I.A.No.3 of 2022. This application was filed under Order VII Rule 11(d) of the Code of Civil Procedure.

8. The plea of the respondent is that there is no matrimonial relationship between the petitioner and the respondent. Hence, the original petition is not maintainable. He pleaded that she was employed only as a telephone operator in his office and she had quit the job without informing him. Later on, she rejoined the service of the respondent.

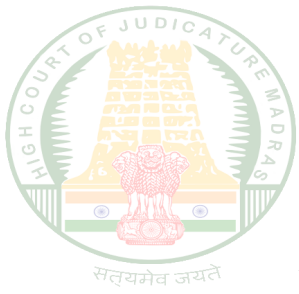


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9. The respondent further pleaded that he had a property in Thiruvottriyur, which was illegally occupied by the petitioner, while he was not in station. When it came to his knowledge, he questioned her. He also went through the company records. He found that the petitioner had laundered money from the company and obtained the said property in her name and in the name of her siblings. He pleaded that the idea of the petitioner was to grab money from him. During the course of such probing, he also came to know that the petitioner had sold the property at Thiruvottriyur and purchased two other properties in Puzhal, from and out of the funds, which belonged to his company.

10. The respondent further pleaded that he had implicitly believed the petitioner. She had taken advantage of the same. When he confronted her about these acts, she apologised and gave an assurance that she would not indulge in such acts in future. Hence, he had forgiven her. Unfortunately, the petitioner took advantage of the situation and manipulated the evidence, producing certain certificates and photographs claiming to be his wife.



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11. He added, on the strength of such certificates, she had filed a domestic violence complaint before the Judicial Magistrate Court at Thiruvottriyur. The said proceeding was dismissed by the learned Judicial Magistrate, even at the numbering stage. He pleaded that suppressing these facts, the petitioner has presented the original petition.

12. The respondent further added that he entered into betrothal ceremony with another person on 19.10.1994 and married the said person on 23.01.1995. He urged that, during that marriage ceremony, the petitioner, her siblings and mother were present. He filed the photographs of his marriage on 23.01.1995 as a proof along with the rejection of plaint petition.

13. The respondent pleaded that when he questioned the petitioner as to how she is claiming to be the first wife, when she herself participated in his marriage on 23.01.1995, the petitioner fabricated the documents as if the respondent had married her. He pleaded that, at different places, the petitioner pleaded different dates of marriage. Her attempt in filing the petition was only to destroy his fair name in the society and extract money from him. He relied upon several complaints that have been made by him on



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various dates before the Station House Officer, H8 Thiruvottriyur Police Station, Bar Council of Tamil Nadu and Puducherry and on 04.07.2022, before the Commissioner of Police, Deputy Commissioner of Police, Assitant Commissioner of Police and Inspector of Police, Avadi.

14. The respondent urged that the petitioner had deliberately given a false address and had obtained an *ex parte* decree. Hence on these pleadings, he wanted the petition to be rejected as the petition under Section 9 of the Hindu Marriage Act is not maintainable being hit by Section 5 of the said Act.

15. The learned Family Judge issued a notice in the application. The petitioner asserted that the respondent is her husband and that, she had filed proofs of the same along with O.P.No.5091 of 2021. She denied the allegations made in the application and sought for dismissal of the application. During the course of proceedings in the interlocutory application for rejection of plaint, the petitioner filed a proof affidavit and



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marked several documents. She deposed in support of the proof affidavit.

She was also cross examined.

16. The learned Family Judge took up the application for disposal. After perusal of the records placed before her, the learned Family Judge came to a conclusion that the plea of the respondent that the petition must be rejected is untenable. She held that the issues, that have been raised by the respondent, have to be decided only in the main restitution petition and cannot be decided at the interlocutory stage. Consequently, she dismissed the rejection of plaint petition. Aggrieved by the same, this revision has been filed.

17. I heard Mr.N.Jothi, learned Senior Counsel for Mr.N.Srinivasalu for the civil revision petitioner and Mr.R.Thiyagarajan for the respondent.

18. Mr.N.Jothi invited my attention to the documents filed along with the original petition. He pointed out that though the petitioner pleads that the document she submitted is a marriage certificate, he urged that it is only an application filed seeking for registration of a wedding that was to take



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place on 15.08.1999. He states that the date 15.08.1999 corresponds to an inauspicious day as per the Tamil calender and it is not possible for a person to enter into a matrimony on that date. He then invited my attention to the cross examination of the petitioner in the rejection of plaint petition and pointed out certain portions to urge that this oral evidence shows that the plea of marriage by the petitioner is untenable.

19. Mr.N.Jothi expanded his argument and urged that in order to file a petition under Section 9 of the Hindu Marriage Act, the parties must be a legally wedded couple and since the respondent has already been married to another person on the alleged date of marriage between the petitioner and the respondent, the marriage cannot be recognised. For this purpose, he refers to Section 5(i) of the Hindu Marriage Act.

20. Mr.N.Jothi invited my attention to the cause of action paragraph to point out that the cause of action pleaded is a false one. He states that the petitioner should have adduced proof at the time of filing of the petition. He relied upon several judgments, in order to press the point that when there is an existing marriage between two persons, a third party cannot claim to be a



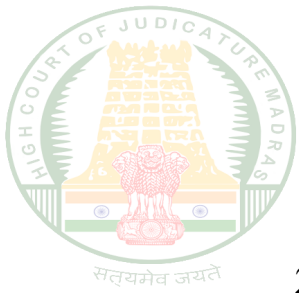
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legally wedded wife, as the same is hit by Section 5 of the Hindu Marriage Act. He finally submitted that as the respondent had denied the relationship of wife and husband between the petitioner and himself, the petitioner should have sought for a declaration that she is a legally wedded wife of the respondent, before filing a petition for restitution of conjugal rights. On these grounds, he pleads the order of the court below deserves to be revised.

21. Per contra, Mr.R.Thiyagarajan states, the scope of an application under Order VII Rule 11 of the Code of Civil Procedure is limited. He states that there is no question of looking into the evidence at that stage, beyond the pleadings and documents that have been filed by the petitioner. He points out that from 2022 onwards, till date, the husband has not even filed a counter in the main Original Petition and therefore, he is not entitled to take pleas such as the ones taken in the rejection of plaint application.

22. In response, Mr.N.Jothi urged that in terms of Order VI Rule 2 of the Code of Civil Procedure, minimum facts would have to be pleaded and even that have not been pleaded in the present case.



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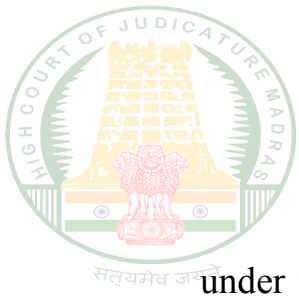
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23. As Mr.N.Jothi had urged that no documents evidencing marriage had been produced before the Court at the time of numbering, I requested the learned IV Additional Family Court to send the entire records for perusal of this Court.

24. The records have been received and I have gone through the same.

25. It is well settled position of law that for the purpose of rejection of plaint, the averments made in the petition and the documents filed therewith alone have to be taken into consideration. The scope of Order VII Rule 11 is not exhaustive. I should add the indications given in clauses (a) to (f) of that provision are merely indicative.

26. This is not something new to the Code of Civil Procedure, 1908. Under Section 29 of the Code of Civil Procedure, 1859, a court was entitled to reject the plaint if it did not contain the required particulars. An option was also given to the court under that Code to direct the plaintiff to amend the plaint to bring it in accordance with the facts. This power was expanded



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under the Code of Civil Procedure of 1882. The power to reject the plaint was available to the court under Sections 53 and 54 of that Code.

27. In fact, in England, the Supreme Court of Judicature Act (1873) Amendment, under Order XXVIII allows a party to demur to any pleading of the opposite party on the ground that the facts alleged therein do not show any cause of action. This position of law was reflected in the Code of Civil Procedure of 1882 and 1908.

28. The essential principle in all the three procedural codes is that the averments made in the plaint alone have to be taken for the purpose of rejection of plaint. It has continued in the Indian jurisprudence for nearly 150 years and above even after the plea of demurrer was abolished in England. Nevertheless, since the position of law on demurrer in Civil Procedure Code 1908 is still the same as that reflected in Supreme Court of Judicature Act, the Court has to follow only that position.

29. The fundamental principle, that the court has to keep in mind, is that a prayer seeking rejection of plaint is a "plea in demurrer".



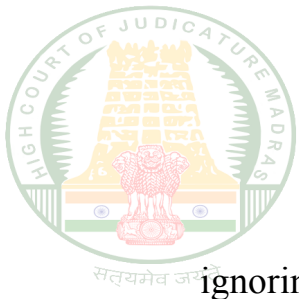
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30. As to what is "demurrer" is settled by several books on jurisprudence. The word "demurrer" is derived from the latin word '*demoari*'. It also has French origin in the word '*demeurer*'. It basically means a delay or pause in the litigation. It is a plea that has been developed in common law jurisdictions. A plea in demurrer neither asserts nor denies facts. It only challenges the legal sufficiency of an opponent's pleadings. The opponent's pleadings and facts are admitted and the dispute is as regards the legal implications that flow out of such pleadings.

31. The earliest of the views is that of the English Courts in ***Haiton v. Jeffreys, 88 Eng. Rep. 728 (1715)***. It was stated that a demurrer is an excuse for not filing a pleading. By filing a demurrer, the opponent is in effect saying that he is not required to answer on the merits of the claim because the facts, that has been stated by the plaintiff, are not sufficient for the purpose of continuing with the claim. At common law, the document annexed to pleadings was not considered as a part of other pleadings.

32. Originally, the courts had considered only the pleadings alone,



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ignoring any documents filed therewith. Subsequently, the law has developed. The Supreme Court in ***Dahiben v. Arvinbhai Kalyanji Bhanusali***, AIR 2020 SC 3310 has taken a view that while dealing with an application for rejection of plaint, a court can not only look into the petition/plaint, but also to the documents filed therewith.

33. A person raising the plea of demurrer accepts, for the purpose of that application, that the plea that has been placed by his opponent is true and correct. The defence, that might or might not be raised in the written statement, or the documents, on which the defendant relies upon, are beyond the scope of consideration. See, ***ABN Amro Bank v. The Punjab Urban planning and Development Authority***, (1999) 3 PLR 479.

34. The Supreme Court had considered the plea of rejection of plaint on several occasions. In ***Roop Lal Sathi v. Nachhattar Singh Gill***, (1982) 3 SCC 487, the court reiterated the view that the averments made in the petition/plaint have to be taken to be true. This fundamental principle cannot be deviated from as long as the present Code of Civil Procedure exists as it does.

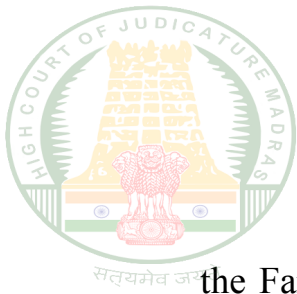


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35. In order to complete this part of the narration, I will also refer to another judgment of the Supreme Court in ***Indian Mineral & Chemicals Co. v. Deutsche Bank, (2004) 12 SCC 376***. When the demand is that the court must only look into the averments made in the plaint and the documents filed therewith, this court is presented with a situation where the parties have proceeded to let in evidence in the interlocutory proceedings. When I pointed out this aspect to Mr.N.Jothi, he referred me to Section 10(3) of the Family Courts Act, in order to state that the Family Court can lay down its own procedure, notwithstanding, the application of Code of Civil Procedure for the purpose of conducting proceedings before it. This requires me to analyse the Family Courts Act and the Rules made thereunder.

36. The Family Courts Act provides for establishment of courts to deal with the issues relating to marriage and family affairs. The purpose for establishing such courts was to promote conciliation and secure speedy settlement of such disputes. In an area, where a Family Court is established, the jurisdiction of the Civil Courts over issues covered under Section 7 of



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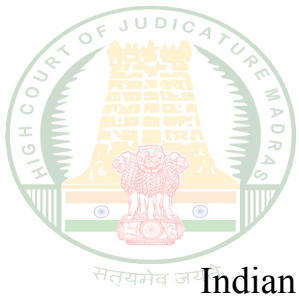
the Family Courts Act stand excluded. The vast jurisdiction granted to the Family Court is found under Section 7 and exclusion of jurisdiction is found under Section 8. Chapter IV deals with the procedure that has to be followed by a Family Court. Under Section 10, subject to the other provisions of the Family Courts Act, 1984, Family Courts are called upon to follow the Code of Civil Procedure and Criminal Procedure Code, as the case may be. An exception to this mandate is found under Section 10(3) of the Family Courts Act.

37. Under Section 10(3) of the Family Courts Act, a Family Court can follow its own procedure under two specified circumstances viz.,

(i) in order to arrive at a settlement in respect of the subject matter of the suit or proceedings or

(ii) to arrive at the truth of the facts alleged by one party and denied by the other.

38. The Parliament has also inserted Section 14 of the Family Courts Act in order to prevent the Family Courts from being weighed down by the



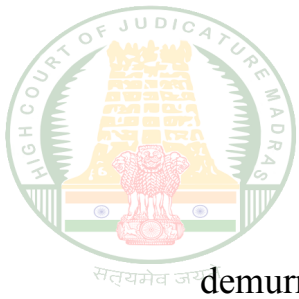
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Indian Evidence Act, in case, it stands in the way while resolving a dispute.

39. The plea of Mr.N.Jothi, in simple words, is that on account of Section 10(3) of the Family Courts Act, a Family Court can record evidence in a rejection of plaint petition and also look into the defence that is raised by the applicant. Though the argument seems to be very tantalising, this court is not willing to travel the distance that Mr.N.Jothi wants. This is because it is not as if a carte blanche has been given to the Family Court to create and evolve procedures, contrary to the Code of Civil Procedure.

40. The Family Court has been empowered to lay down its own procedure in order to arrive at a settlement or to arrive at the truth when there are allegations and counter allegations. Insertion of Section 10(3) is not far to see. The very purpose of creation of Family Courts was to arrive at a settlement in family disputes. The other area, in which the Family Court is entitled to create its own procedure is, when it decides to arrive at the truth of the facts alleged by the one and denied by the other. This provision obviously will not come to the rescue of the civil revision petitioner for a simple reason, an application for rejection of plaint, being a plea in



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demurrer, the averments made in the plaint are taken to be true. If they are taken to be true, then the question of denying the said facts does not arise. This is because the applicant in the rejection of plaint petition accepts the averments made in the main petition and pleads that even if those facts were to be accepted/admitted, still the proceedings have to be rejected.

41. In fact, the learned Trial Judge erred in receiving a proof affidavit in rejection of plaint application. When the averments in the petition/plaint are deemed to be admitted for the purpose of dealing with the application, the question of receiving a proof affidavit does not arise at all. The learned Judge ought to have returned the same. Unfortunately, the affidavit was not only received but the deponent was also presented for cross examination. Henceforth, the Family Courts shall decide the application only on the basis of the averments made in the plaint and the documents annexed therewith. This will not only be in compliance of Order VII Rule 11 but will also prevent frittering away of precious judicial time and also that of the assisting counsel, on unnecessary exercises. This view also aligns with the judgment of the Court of Appeal in England in *Mexfield Housing Co-operative Ltd. v. Berrisford*, [2011] Ch. 244.



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42. Therefore, I am of the view that Section 10(3) of the Family Courts Act does not override the fundamental principle of law relating to rejection of plaint that a court cannot look into the defence of the defendant, but should confine itself only to the averments made in the petition and the documents filed therewith.

43. At this stage, I should refer to Section 2(e) of the Family Courts Act. This calls upon a person dealing with the Family Courts Act to refer to the Code of Civil Procedure for the purpose of understanding the words and expressions found in the Act, when they are not so defined by the Family Courts Act. In addition, the Madras High Court in exercise of Section 21 of the Family Courts Act has framed Rules. These rules are titled as Family Courts (Procedure) Rules of 1996. In this statutory rule, under Rules 50 and 51, the provisions of the Code of Civil Procedure and Criminal Procedure Code of 1973 have been made applicable to the proceedings before the Family Court.

44. In addition, the Civil Rules of Practice and Circular Standing



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Orders framed by this court in exercise of Section 122 of the Code of Civil Procedure have also been made applicable to the Family Courts, except when they are inconsistent with the provisions of the Family Courts Act or Family Courts (Procedure) Rules of 1996.

45. A combined reading of Section 10(3) with Rules 50 and 51 makes it clear that the Code of Civil Procedure is applicable to the application for rejection of petition. Having come to this conclusion, I will now analyse the plea of Mr.N.Jothi on the merits of this case.

46. On the position of law, I have absolutely no issues with the submissions of Mr.N.Jothi. In order to maintain an application under Section 9 of the Act, the marriage between the petitioner and the respondent to such a petition should be a legally valid one. Section 5(i) of the Hindu Marriage Act makes it clear that a legally valid marriage cannot be contracted between two persons, when any one of them has a spouse who is living at the time of the said wedding. However, I cannot apply this broad principle to the facts of the present case. This is because, a reading of the petition makes it very clear that the petitioner has not conceded that the



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respondent was already married to another person and she had contracted a wedding with him thereafter. I am sure, had such an averment been made in the petition, the Family Court would not have taken the petition on file.

47. I have read the petition and I do not find any averment in the said petition conceding to the previously existing marriage between the respondent and any third person. That being the position, I am not able to apply Section 5(i) to the present case.

48. Insofar as the plea of Mr.N.Jothi that no marriage certificate has been produced but only an application for registration of marriage has been produced is concerned, I have to agree with him. The document No.1, filed along with O.P.No.5091 of 2021, though has been filed as a marriage certificate, it has been titled as “திருமண விண்ணப்பம்”. This application has been signed by two persons claiming to be the bride and bridegroom. There are also two witnesses to the application. It sought for permission for conduct of the marriage on 15.08.1999. At the bottom of document No.1, the following words are found:

"இந்த திருமணத்தை அன்று நடத்த அனுமதிக்கலாம்"



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Signed

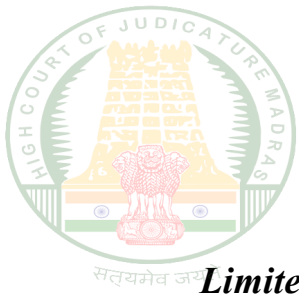
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ஸ்ரீ அங்காளபரமேஸ்வரி அம்மன் ஆலய நிர்வாகி"

This *prima facie* indicates that an application to conduct the marriage within the premises of Sri Angala Parameswari Amman Temple was made and the same was allowed by the temple's Executive Officer.

49. Even if it were not to be treated as a marriage certificate but only as an application seeking permission to conduct the marriage within the premises of Sri Angala Parameswari Amman Temple, I have to point out that as the Code of Civil Procedure applies to such a proceeding, a party is entitled to summon the records from the authority. In terms of Rule 75 of the Civil Rules of Practice, in case, a certified copy of the marriage certificate is not readily issued, it is always open to the wife to summon the same before the Court. In addition, for a document not originally filed along with the petition, since the Code of Civil Procedure operates, a party can always file an application under Order VII Rule 14(3) of the Code of Civil Procedure and bring the said certificate on record. Apart from all these, a petition cannot be rejected on the ground that evidence has not been let in by the party at the time of filing the petition.

50. At this juncture, I will refer to the judgment of Hon'ble Mr.Justice N.Seshasayee in ***Selvaraj v. Koodankulam Nuclear Power Plant India***

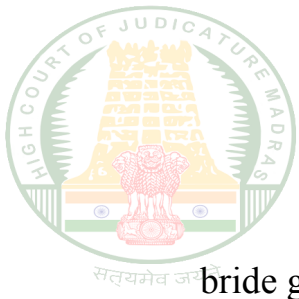


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Limited, (2021) 4 CTC 539. The learned Judge had taken a view that during the numbering of a plaint, a court is only exercising ministerial powers. It is only after the plaint is admitted under Order VII Rule 9 of the Code of Civil Procedure, does it commence to exercise the judicial power. If I were to agree with Mr.N.Jothi that the proof has to be given by the party even at the stage of numbering, then it would be like conceding the power of adjudication to the numbering clerk. Such a decision would result in absurd consequences and therefore, I am not willing to accept the said submission.

51. I have gone through the original records filed along with the petition. Four documents had been produced along with the petition. First, as pointed out, is said to be a marriage certificate. As seen earlier, it is only a "திருமண விண்ணப்பம்". The second document is an important one. It shows that a marriage, as per Hindu Rites and Customs, is taking place between two persons. Though Mr.N.Jothi disputed that it is not the respondent who is the person shown as placing the kumkum on the forehead of the woman, this is a matter which has to be adjudicated at the time of trial. *Prima facie*, this points out to the wedding that has taken place between two parties. It is the assertion of the petitioner that she is the bride and the respondent is the



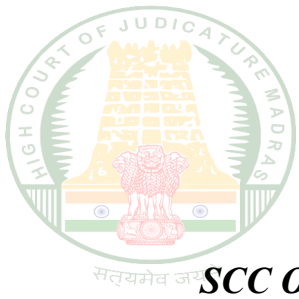
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bride groom. The third document is the bills for the purchase of Thali.

52. The other document, which would be relevant, is an Aadhar Card that has been filed as a document No.4. That shows that the petitioner is under the care and custody of one Kothandaraman. Whether the Kothandaraman, who is referred in the Aadhar Card, is the Kothandaraman who is the respondent herein, is again a matter for proof. Suffice it to hold that in the original petition, the petitioner asserts the petitioner married the respondent on 15.08.1999 and certain documents have been enclosed along with it.

53. Much argument was placed by Mr.N.Jothi on cause of action paragraph. I need not labour much on this point other than referring to the judgment in ***Fateh Ali Shah v. Muhammad Bakhsh, AIR 1928 Lahore 516***. A Division Bench consisting of Broadway and Jailal, JJ., after referring to Appendix A of the first schedule to the Code of Civil Procedure held that the plaint need not have a separate paragraph stating when the cause of action arose. This view has been approved by this court in ***Srinivasan v. Jayalakshmi, (2002) 2 LW 527*** and ***Alagulakshmi v. Duraipandian, (2019)***



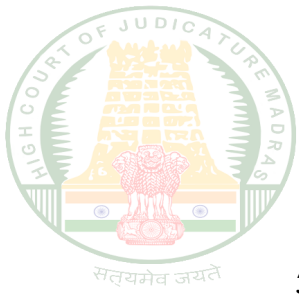
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SCC OnLine Mad 13108. Whether a proceeding is having a cause of action or not has to be decided by reading the plaint/petition as a whole. It is not dependent on a separate paragraph. A reading of the petition in the present case shows that the petitioner pleads a marriage between herself and the respondent on 15.08.1999 and that, the respondent is keeping away from her now. This is sufficient to maintain an application under Section 9. A reading of the petition reveals that the petitioner has made out a cause of action for filing the petition.

54. Therefore, the fact that the cause of action paragraph in this case had only a couple of sentences does not make a difference to the case, when the other requirements as necessary under Section 9 of the Hindu Marriage Act have been pleaded by the party.

55. With respect to the judgments referred to by Mr.N.Jothi and by Mr.R.Thiyagarajan, apart from a couple, they are all cases where the pleadings were completed; issues were framed; oral and documentary evidence were let in; and finally judgment was pronounced on the merits of the case. Of the remaining two judgments, I shall refer to them instantly.



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56. The first one being ***A.Sreedevi v. Vicharapu Ramakrishna Gowd, (2005) 5 CTC 748***. That was a case where Article 227 of the Consitution of India was invoked in order to strike off a petition filed under Section 9 of the Hindu Marriage Act. The learned Judge came to a factual conclusion that in the petition filed under Section 9, the petitioner had conceded that a previous marriage that he had contracted with another person was still in subsistence. Hence, the learned judge applied Section 5 and rejected the petition. Such circumstances do not exist presently.

57. The other judgment, which I have to refer to, is the jugment which confirmed the rejection of a plaint in ***R.Kalaiselvi v. Joseph Baby, (2021) 6 CTC 833(DB)***. In that case, the Division Bench had come to a conclusion that since one of the parties was a Christian, the marriage could have been conducted only as per Christian Marriage Act. As the facts showed that it had not been solemnised in accordance with the said legislation, they concluded that there was no marriage at all. Both these judgments are factually different from the facts of the present case.

58. A reading of the petition in the present case reveals that the



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petitioner has pleaded that the marriage took place between herself and the respondent on 15.08.1999 in a temple as per Hindu Rites and Customs. She has produced documents to show prima facie that the marriage had taken place. Hence, this is not a case that requires invocation of Order VII Rule 11 of the Code of Civil Procedure.

59. All the pleas that have been raised by Mr.N.Jothi can obviously be raised in the counter to the main Original Petition. I have not given any findings on the merits of the case. In fact, I cannot give any findings on the merits of the case under Order VII Rule 11 of the Code of Civil Procedure.

60. In the light of the above discussion, this civil revision is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

28.01.2025

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



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To

The I Additional Principal Family Court, Chennai.



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V.LAKSHMINARAYANAN, J.

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28.01.2025