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C.R.P.No.5818 of 202

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.No.5818 of 2025

Tmt.Sanjana

...Petitioner

-Vs-

1.S.Tamimul Ansari

2.The Sub Registrar,
Sub Registrar Office,
Madurantakam,
Old Taluk Office Road,
Madurantakam Town and Taluk,
Chengalpattu District.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 21.07.2025 passed in unnumbered O.S.No.Nil of 2025 on the file of the District Munsif Court, Madurantakam.

For Petitioner : Mr.R.Ragavendran

For R2 : Mr.C.Sathish,
Government Advocate



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ORDER

This Civil Revision Petition is filed challenging the docket order passed by the District Munsif Court, Madurantakam dated 21.07.2025 returning the application filed by the petitioner seeking a declaration that the marriage solemnized between the petitioner and the 1st respondent on 09.06.2022 is null and void.

2. Learned counsel for the petitioner would submit that the petitioner is a Hindu and the 1st respondent is a Muslim and that the marriage was performed between them on 09.06.2022 without following the proper procedure. Subsequently, the same was registered under the provisions of the Tamil Nadu Registration Act.

3. It is further submitted that since one of the parties is a Hindu, the marriage ought to have been solemnized by following the procedure contemplated under the Special Marriage Act, 1954. However, in the present case, no such procedure was followed. Therefore, the alleged performance of marriage on 09.06.2022 does not have any legal sanctity and hence the present suit has been filed seeking a declaration. The Trial Court, however, returned the plaint on the ground that since the petitioner and the 1st



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respondent belong to two different religions, only the Special Marriage Act is applicable and therefore the District Munsif Court, Madurantakam, has no jurisdiction to entertain the same.

4. Learned counsel for the petitioner contends that the marriage between the petitioner and the 1st respondent has not been solemnized by following the procedure contemplated under the Special Marriage Act, and therefore no petition under the Special Marriage Act is maintainable. It is also brought to the notice of this Court that the petitioner filed an application for divorce under the provisions of the Special Marriage Act before the Principal District Court, Chennai, and the same was returned on the ground that the marriage was not registered by following the procedure under the Special Marriage Act. In such circumstances, according to the counsel the only remedy available to the petitioner is to approach the Civil Court seeking a declaration regarding the nullity of the marriage.

5. Though the learned counsel for the petitioner asserts that the marriage between the petitioner and the 1st respondent has not been solemnized by following proper procedure, in the plaint it is merely stated that the marriage was solemnized on 09.06.2022. However, it is not stated as



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to what procedure was followed for solemnizing the marriage. Therefore, there is no clarity in the plaint with regard to the procedure adopted for performance of alleged marriage and the basis on which nullity of marriage is sought for. In such circumstances, the Trial Court returned the plaint.

6. I do not find any error in the order passed by the Trial Court. However, it is open to the petitioner to represent the plaint by making necessary averments with regard to the procedure, if any, followed at the time of the alleged solemnization of marriage. If the plaint is represented with necessary averments and explanation, the same shall be considered by the Trial Court in accordance with law. If the averments made by the plaintiff regarding the procedure of solemnization are sufficient, it is for the Trial Court to number the suit. If the Trial Court is not satisfied with the explanation offered by the plaintiff, the matter shall be called in open Court and the plaintiff shall be given an opportunity of being heard, after which the Trial Court may pass appropriate orders on merits.

7. The Registry is directed to return the original plaint to the learned counsel for the petitioner.



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8. With the above direction, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

04.12.2025

cda

To

The District Munsif Court, Madurantakam.



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S.SOUNTHAR, J.

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