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C.R.P.No.6527 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.6527 of 2025

Kamalimary,
W/o.Periyanayagam

... Petitioner

vs.

S.Periyanayagam,
S/o.Singaraj

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, pleaded to number the IDOP Sr.No.17748 of 2025 on the file of the Principal & District Sessions Court, Salem District.

For Petitioner : Mr.R.Dhinesh Kumar
for M/s.R.Menaka

ORDER

The Civil revision petition is filed seeking a direction to the Principal and District Sessions Court, Salem to number the petition filed by the petitioner for divorce in IDOP.Sr.No.17748 of 2025.

2. According to the petitioner, the marriage between her and the respondent was solemnized on 01.09.2022 at Sankagiri. The instant original petition has been filed by the petitioner seeking divorce under Section 10(1)(x) of Indian Divorce Act, 1869. The said OP was returned



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by the Court below on 26.09.2025 raising various objections including non-production of marriage registration certificate. The petitioner re-presented the papers stating that the marriage between the petitioner and the respondent was not registered and hence, the registration certificate could not be produced.

3. It is further stated that the return endorsement with regard to other defects pointed out by the Court below were complied.

4. The OP was again returned by the Court below on 10.10.2025 and 03.11.2025 reiterating the previous reasons. The learned counsel for the petitioner by relying upon an order passed by this Court in CRP. (PD).No.4266 of 2024 submitted that production of marriage certificate is not a condition precedent for numbering the application and therefore, the Court below ought not have returned the papers on the ground that marriage certificate has not been produced.

5. The petitioner re-presented the paper by offering her explanation. If the Court is not satisfied with explanation, the matter should have been called in the open Court and after affording reasonable opportunity to the petitioner, the order should have been passed on merits



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with regard to the maintainability. However, returning the papers again and again raising very same objection is not desirable. Therefore, the Civil Revision Petition is disposed of by directing the petitioner to re-present the papers within a period of two weeks from the date of receipt of a copy of this order by offering her explanation. If the Court below is not satisfied with the explanation offered by the petitioner, the matter shall be called in open Court and the petitioner shall be given an opportunity to put forth her case and after hearing the petitioner, the final order shall be passed on its own merits on the maintainability of the petition.

With these directions, this Civil Revision Petition is disposed of.

No costs.

18.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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Note: Registry is directed to return the original papers in IDOP.Sr.No.17748 of 2025.

To

1. The Principal & District Sessions Court, Salem District
2. V.R.Section,
High Court of Madras.



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S.SOUNTHAR, J.

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