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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1317 of 2025

Selvam

...Petitioner/Petitioner

Vs

Sailajha

....Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside Docket Order dated 11.03.2025 made in S.M.O.P.No. unnumbered of 2024, on the file of the Family Court, Ramanathapuram.

For Petitioner : Mr.C.Senthil Murugan

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ORDER

The present revision has been filed by the petitioner in unnumbered S.M.O.P. of 2024, on the file of the Family Court, Ramanathapuram, challenging an order of return passed by the said Court.



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2.A perusal of the petition reveals that the petitioner is a Hindu and he has got married to the respondent who is a Christian, following Christian Religious Ceremony. The application for divorce has been filed under Section 24 of the Special Marriage Act, 1954. The Family Court, Ramanathapuram, has raised an objection with regard to the maintainability of the application on the ground that marriage has not been registered under the Special Marriage Act, 1954, and hence the divorce petition under the said Act is maintainable. Challenging the order of return, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioner, since the petitioner and the respondent belong to two different religions, the application has been filed under the Special Marriage Act, 1954.

4.I have considered the submissions made on either side and perused the materials available on record.

5.As per Section 9 of the Indian Christian Marriage Act, 1872, even if one of the parties is a Christian, valid marriage can be performed under the Indian Christian Marriage Act, 1872. In such circumstances, an application



either for divorce or for declaration that the marriage is void, can be filed only under the Divorce Act, 1869. In such circumstances, the order of return passed by the Family Court, Ramanathapuram, is hereby confirmed. The petitioner is at liberty to present fresh application under the Divorce Act, 1869.

6. With the above said observations, this Civil Revision Petition stands dismissed. No costs.

25.04.2025

Internet: Yes/No
Index: Yes/No
RJR

Note:-

The Registry is directed to return the original impugned order after obtaining due signature from the learned Counsel appearing for the revision petitioner.



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R.VIJAYAKUMAR, J.

RJR

To

The learned Judge,
Family Court, Ramanathapuram.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(PD)(MD)No.1317 of 2025

25.04.2025