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C.R.P.No.1165 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.No.1165 of 2025

and

C.M.P.No.6931 of 2025

Gayathri

... Petitioner

Vs.

1.Arun Saravanan

2.Mahendran

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to revise/set aside order passed in I.A.No.1 of 2024 in O.P.No.3897 of 2023, on the file of the I Additional Family Court, Chennai.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.T.Kalaiselvan [R1]

Notice returned – No such address [R2]

ORDER

This Civil Revision Petition has been filed challenging the impugned order, dated 18.10.2024 passed by the I Additional Family Court, Chennai in I.A.No.1 of 2024 in O.P.No.3897 of 2023.



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2. Under the impugned order, the application filed by the petitioner, who is the wife, seeking rejection of O.P.No.3897 of 2023 under Order VII Rule 11 CPC, has been dismissed. The petitioner raised a contention that the said OP has been entertained by the family court, which does not have jurisdiction to entertain the same. According to the petitioner, the 1st respondent/husband is not residing at Choolaimedu and therefore, the family court does not have the jurisdiction to entertain the said OP.

3. Learned counsel for the petitioner relies upon certain authorities in respect of his contentions. All those authorities did not deal with an application filed under Order VII Rule 11 CPC.

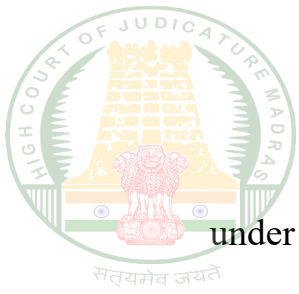
4. Admittedly, in the petition filed by the 1st respondent in O.P.No.3897 of 2023 seeking dissolution of marriage on the ground of adultery, the 1st respondent has disclosed the Choolaimedu address, namely No.23/12 Kannagi Street, Choolaimedu, Chennai – 600 094, which falls within the jurisdiction of the I Additional Family Court, Chennai. It is also not in dispute that the petitioner and the 1st respondent



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are wife and husband respectively. While deciding an application filed

under Order VII Rule 11 CPC, the court will have to only look into the averments made in the petition, namely O.P.No.3897 of 2023. The documents produced by the petitioner before the family court with regard to the residential proof of the 1st respondent is a matter of trial and cannot be looked into by the family court in an application filed under Order VII Rule 11 CPC. When a categorical plea has been taken by the 1st respondent/husband in O.P.No.3897 of 2023 that he is residing at No.23/12 Kannagi Street, Choolaimedu, Chennai – 600 094, which falls within the jurisdiction of the I Additional Family Court, Chennai, the question of interfering with the said OP through an application filed under Order VII Rule 11 CPC by the petitioner/wife does not arise. Under the impugned order, dated 18.10.2024, the family court has rightly rejected the application filed under Order VII Rule 11 CPC by the petitioner in I.A.No.1 of 2024 seeking rejection of petition on the ground that in the main petition annexure (Document No.6) as well as the averments made in the said OP, the 1st respondent has disclosed his residential address as Choolaimedu, which falls with the jurisdiction of the I Additional Family Court, Chennai. Therefore, this Court is of the considered view that the family court has rightly rejected the application filed by the petitioner



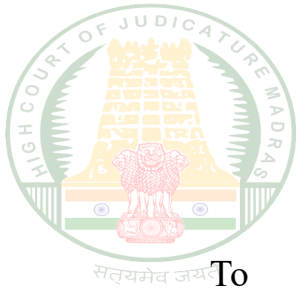
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under Order VII Rule 11 CPC. However, this Court is not expressing any opinion with regard to the correct residential address of the 1st respondent as it is a matter for trial to be adjudicated when the main petition is taken up for final disposal by the family court. Since the application filed by the petitioner under Order VII Rule 11 CPC before the family court is not maintainable, the trial court has rightly rejected the said application through the impugned order. This Court does not find any infirmity in the same.

5. Accordingly, this Civil Revision Petition is dismissed. However, the petitioner is granted liberty to produce all documentary evidence before the family court to prove that the 1st respondent in this revision is not residing at Choolaimedu as pleaded in the petition filed in support of O.P.No.3897 of 2023. The interim stay earlier granted by this Court shall stand vacated. No costs. Consequently, the connected miscellaneous petition is closed.

15.06.2026

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp



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To
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The I Additional Family Court,
Chennai.



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ABDUL QUDDHOSE, J.

sp

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