

S.K.Ramya Vs N.Ashwin Kumar

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Court : Chennai

Decided On : Feb-27-2026

Judge : Honourable Mr.Justice P.B. Balaji

Appeal No. : CRP/732/2026

Appellant : S.K.Ramya

Respondent : N.Ashwin Kumar

Advocate for Pet/Ap. : Mr. Raja Chockalingam

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 19.02.2026 Pronounced on:27.02.2026

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI CRP. No.732 of 2026
S.K.Ramya @ Ramya Senguttuvan Kavitha Rep. by Power of Attorney/
Mother of the Petitioner S.K.Ramya, Mrs.G.Kavitha, W/o.V.Senguttuvan
Petitioner(s) Vs N.Ashwin Kumar Respondent(s) PRAYER: This Civil
Revision Petition is filed under Article 227 of the Constitution of India, to
set aside the order of returns passed in O.P.SR. No.7428 of 2025

(Online Filing Through Litigation Login) on the file of the Principal Family Court, Chennai dated 30.12.2025 and 21.01.2026 respectively and direct the Principal Family Court to register the petition and assign the petition main number on the file and thereby allow the Civil Revision Petition. For
Petitioner : Mr.T.C.S.Raja Chockalingam

ORDER

The wife in matrimonial proceedings, who approached the Family Court, Chennai in OP.SR.No.7428 of 2025, is the revision petitioner, aggrieved by the

order passed by the learned Principal Family Court, returning her divorce petition

on the ground of jurisdiction.

2. I have heard Mr.T.C.S.Raja Chockalingam, learned counsel for the

petitioner. I have also gone through the records. In view of the fact that the OP has not yet been taken on file, I am inclined to dispense with notice to the respondent.

3. Mr.T.C.S.Raja Chockalingam, learned counsel for the petitioner/wife,

would state that the petitioner filed the O.P. invoking Section 13(1)(ia) of the Hindu Marriage Act, 1955, for dissolution of the marriage with the respondent. The learned counsel would fairly bring to my notice that the petitioner is presently residing in Sydney, Australia, as also the respondent /husband. However, at the time of the presentation of the O.P., the petitioner was residing within the jurisdiction of the Family Court, Chennai and the local address has also been furnished in the short and long cause title as well.

4. Mr. Raja Chockalingam, learned counsel for the petitioner, would state

that the mere fact that the petitioner was temporarily residing in Sydney, would not prevent her from moving the Family Court at Chennai, when her domicile is very much in Chennai, and further in view of the mandate of Section 19 as amended by The Marriage Laws (Amendment) Act, 2003, (Act 50 of 2003) dated 23.12.2003, wherever the petitioner is the wife, a choice is given to the petitioner

to initiate proceedings under the Hindu Marriage Act at the place of her residence.

5. Mr. Raja Chockalingam, learned counsel would further rely on the

decision of the Hon'ble Supreme Court in *Sondur Gopal vs. Sondur Rajini* reported in, (2013) 7 SCC 426 and the decision of the Hon'ble Division Bench of this Court in *R.Sridharan vs. The Presiding Officer, Principal Family Court, Chennai and another*, reported in 2010 (4) CTC 822 and the decision of the Hon'ble Division Bench of the Delhi High Court in *Karan Goel vs. Kanika Goel* reported in, I (2021) DMC 193 Del.

6. I have carefully considered the submissions advanced by learned counsel for the petitioner. I have also gone through the records including the impugned order of return passed by the Principal Family Court.

7. At the outset, it is to be noticed that the petitioner has presented the

OP.SR by way of online filing, through litigant login, which was then permissible before the Family Court to institute proceedings under the Hindu Marriage Act. In fact, the petition has been signed by the petitioner herself and she was not represented even by any power of attorney at that stage. The petitioner has clearly stated in the long cause title that her permanent address is No. 7, Lotus Apartment,

United India Colony, 2nd Street Circular Park, Kodambakkam, Chennai - 600 024, and that now she is working as APN Developer, Conexxia

Private Limited, Sydney, Australia. In the documents filed along with the OP, I find that the petitioner has also filed her Aadhaar Card and Bank passbook in support of her permanent address.

8. Section 19 of the Hindu Marriage Act, post amendment, permits the

petitioner being the wife, to file any petition under the Hindu Marriage Act in the place where she is residing on the date of presentation of the petition. According to learned counsel Mr.Raja Chockalingam, she was residing only within the jurisdiction of the Family Court viz., at Kodambakkam on the date of presentation of the Original Petition.

9. The Hon'ble Supreme Court in Sondur Gopal's case (referred herein

supra), keeping in mind Section 1(2) of the Hindu Marriage Act, observed that the Act would apply to Hindus domiciled in India, who are outside the territory. In the other words, the provisions of the Hindu Marriage Act can be availed or resorted to by a Hindu who is domiciled in India though he or she may be residing outside India. Thus, the provisions of the Hindu Marriage Act have extra territorial operation insofar as Hindus and it would be sufficient if the person who seeks relief or remedy under the Hindu Marriage Act to be domiciled in India.

10. Domicile can be domicile of origin or domicile of choice. Domicile of

choice is where the person abandons one domicile and acquires residence in another domicile. Domicile of origin would prevail until another domicile is acquired by manifest abandonment of the domicile of origin. In the present case, it is the specific and categorical assertion of the petitioner even in the OP that she permanently resides at Kodambakkam, Chennai within the jurisdiction of the Principal Family Court, Chennai. Therefore, the Court ought to have gone by the averments in the petition and held that the petitioner was entitled to move the Family Court at Chennai seeking dissolution of the marriage with her

husband.

11. The Hon'ble Division Bench of this Court in R.Sridharan's case (referred herein supra), held that the Hindu Marriage Act has to be given an extended coverage, even outside the territory to which the Act extends and further

held that Section 19 has to be given a purposeful interpretation and it is the

residence of the wife which determines the question of jurisdiction, in case the proceeding was initiated at the instance of the wife.

12. In fact, the Hon'ble Division Bench of our Court was followed with approval by the Division Bench of the Delhi High Court in Karan Goel's case (referred herein supra) as well. The Delhi High Court has also relied on the

decision of the Hon'ble Supreme Court in *Abdus Samad v. State of West Bengal*, reported in (1973) 1 SCC 451, where the Hon'ble Supreme Court held that domicile is meant a permanent home and it is the place which a person has fixed as a habitation for himself and his family, not for a mere special and temporary purpose, but with any intention of making it his permanent home.

13. In fact, I find that the petitioner has also enclosed her tickets in

support of being physically present in Chennai on the date of presentation of the OP as well as her Aadhaar card which reflects the permanent address furnished in the OP and also bank passbook which is a bank joint bank account with her mother, which also reflects the very same address. Thus, it cannot be said that the petitioner has opted for a different domicile by choice. On the other hand, she continues to be governed by the domicile of origin which is very much Chennai, India.

14. In the light of the above discussion and also in view of the provision

now available post amendment to Section 19, the wife is given a special option to choose the Court where the proceedings are to be initiated. It is now open to the wife to file the case before the Court within whose jurisdiction she resides on the date of presentation of the OP. Here admittedly, the petition has been filed giving the permanent address of the petitioner to be Kodambakkam address,

Chennai - 24 which falls only within the jurisdiction of the Family Court at Chennai. In the light of the above the Family Court clearly held in error in returning the application.

15. In the light of the above discussion, I am inclined to set aside the

order of return dated 30.12.2025 and direct the Principal Family Court to number

O.P.SR.No.7428 of 2025. The petitioner is directed to re-present the O.P.SR.No.7428 of 2025. If the original OP is in the custody of the petitioner. It is also made clear that the petitioner is entitled to represent the papers through the power agent since the petitioner has now gone back to Australia and even in the CRP, she is represented only by the power agent. If the OP is already re-presented and is pending on the file of the Principal Family Court, Chennai, then the learned Principal Family Court, Chennai shall number the OP without putting the question of jurisdiction against the petitioner and shall number the OP, if it is otherwise in order and proceed to dispose of the OP in accordance with law.

16. In fine, this Civil Revision Petition is allowed. No costs.

27.02.2026 rkp Neutral Citation Case : Yes Internet: Yes Index : Yes To: The Principal Family Judge, Chennai P.B.BALAJI, J., rkp Pre-delivery order in CRP. No.732 of 2026 27.02.2026

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