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CRP No. 3739 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**C.R.P. No. 3739 of 2025 and
C.M.P.No.19933 of 2025**

Sabi @ Selvam
S/o. Govindan,

..Petitioner(s)

Vs

Beebijhan
W/o. Sabi @ Selvan.

..Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order and decree passed in I.A No.32 of 2024 in I.D.O.P. No.112 of 2021 dated 18.02.2025 by the Principal District Court, Kallakurichi.

For Petitioner(s):	Mr.C.Ravichandran
For Respondent(s):	Mr.A.Lakshmi Narasimhan

ORDER

This Civil Revision Petition has been filed challenging the impugned order dated 18.02.2025 passed by the Principal District Court, Kallakurichi in I.A.No.32 of 2024 in VPM.D.O.No.112 of 2021, on the file of Principal District Court, Villupuram.

2. In the aforesaid order, the application filed by the respondent seeking



to condone the delay of 290 days in filing the petition to set aside the exparte order dated 20.07.2022 against the respondent/petitioner in I.D.O.P.No.112 of 2021 has been allowed.

3. I.D.O.P.No.112 of 2021 was filed by the petitioner/husband against the respondent who is the wife seeking for restitution of conjugal rights. According to the petitioner, false allegations has been made by the respondent, in I.A.No.32/2024 seeking to condone the delay of 290 days in filing the petition seeking to set aside the exparte order dated 20.07.2022. The petitioner contends that on account of inordinate delay and the false affidavit, the application filed by the respondent/petitioner ought not have been allowed by the Court below.

4. The Court below allowed the application on the ground that for the matrimonial dispute, the length of delay is not a criteria. In the interest of justice and by applying the principles of natural justice, the Court below has allowed the application seeking to condone the delay of 290 days in filing the application to set aside the exparte order .

5. The learned counsel for the petitioner would reiterate in his submission that several false allegations have been made by the respondent against the petitioner in the affidavit filed in support of I.A.No.32/2024.



6. As rightly held by the Court below being the matrimonial dispute, the length of the delay is not a criteria. Only after hearing the respondent/petitioner, justice can be rendered in I.D.O.P.No.112 of 2021, filed by the petitioner seeking for restitution of conjugal rights. In a matrimonial dispute being the personal relationship between the married couples, necessarily other party will have to be heard for the adjudication of matrimonial dispute. The yardstick that is applicable for normal civil cases for condoning the delay is not applicable to the matrimonial dispute as the Court is adjudicating a dispute pertaining to personal relationship.

7. The Court below has rightly allowed the condone delay application filed by the respondent. However, in view of the inordinate delay in filing an application seeking to set aside the exparte order and in view of the execution petition already been filed by the petitioner seeking to execute the earlier exparte order passed in favour of the petitioner against the respondent, the Trial Court ought to have imposed cost on the respondent. Since cost has not been imposed, the only relief that can be granted by this Court in this Civil Revision Petition in favour of the petitioner is to direct the respondent to pay cost within the time to be fixed by this Court.

8. For the foregoing reasons, without interfering with the impugned order,



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this Court directs the respondent to pay cost of Rs.10,000/- (Rupees Ten Thousand only) to the Tamil Nadu State Legal Services Authority, Chennai on or before **20.08.2026**, failing which the Court below shall draw adverse inference against the respondent, while deciding the main I.D.O.P. in I.D.O.P.No.112 of 2021. The Trial Court is also permitted to consider referring the parties to mediation.

With the aforesaid directions, this Civil Revision Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

06-08-2026

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

The IV Additional Family Court, Chennai.



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ABDUL QUDDHOSE, J.

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