

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1457 of 2015 &
M.P.No.1 of 2015

P.Kishore Kumar

... Petitioner

v.

P.Uma
Respondent

...

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order of the learned Subordinate Judge at Poonamallee in I.A. No.272 of 2014 in H.M.O.P.No.149 of 2012, dated 16.09.2014.

For Petitioner : Mr. S.Madhusudanan

ORDER

Challenging the fair and final order passed in I.A. No.272 of 2014 in H.M.O.P.No.149 of 2012, on the file of Subordinate Court, Poonamallee the petitioner/husband has filed the above Civil Revision Petition.

2. The petitioner filed the H.M.O.P.No.149 of 2012 for divorce on the ground of cruelty. Subsequently, when the Original Petition was taken up for trial, since the respondent/wife failed to appear before the trial court, an ex parte decree was passed on 3.6.2014. Thereafter, the respondent/wife filed an application in I.A. No.272 of 2014 to set aside the ex parte decree.

3. The learned counsel, who is appearing for the respondent/wife before the trial court, filed an affidavit stating his inability to appear before the trial court on the date of hearing. The petition to set aside the ex parte decree was filed within 30 days from the date of ex parte decree. The respondent/wife has satisfactorily explained the reasons for the delay in the affidavit filed in support of the petition. In these circumstances, the trial court has rightly allowed the application on payment of cost of Rs.1000/-.

4. In view of the above, I do not find any reason to interfere with the fair and final order passed by the trial court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. Learned counsel appearing for the revision petitioner submitted that the trial court may be directed to dispose of the Original Petition within a stipulated time. Further, the learned counsel submitted that the matter is in the trial stage. Having regard to the submission made by the learned counsel for the petitioner, I direct the

Subordinate Court, Poonamallee to dispose of the Original Petition in H.M.O.P.No.149 of 2012 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.04.2015

Index : No
Internet : Yes

Rj

To

The Subordinate Court,
Poonamallee

M. DURAISWAMY,J.,

Rj

C.R.P.(PD)No.1457 of 2015 &

M.P.No.1 of 2015

20.04.2015