

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.2924 of 2015

Gokila

... Petitioner

Vs.

Ranjith Kumar

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the final order dated 26.07.2013 in I.A.No.132 of 2012 in C.M.A.C.F.R.No.647 of 2012 on the file of the Principal District Court, Tiruppur.

For Petitioner : Mr.M.Purushothaman

ORDER

Challenging the fair and decreetal order passed in I.A.No.132 of 2012 in C.M.A.C.F.R.No.647 of 2012 on the file of the Principal District Court, Tiruppur, against the order passed in H.M.O.P.No.116 of 2009 on the file of the Sub Court, Udumalpet, the respondent in the Original Petition has filed the above Civil Revision Petition.

2.The petitioner is the wife of the respondent and the respondent husband filed the Original Petition in H.M.O.P.No.116 of 2009 for restitution of conjugal rights. The trial Court allowed the Original Petition in H.M.O.P.No.116 of 2009 on 14.09.2010. Thereafter, the petitioner wife filed an application in I.A.No.132 of 2012 in C.M.A.C.F.R.No.647 of 2012 to condone the delay of 695 days in filing the Civil Miscellaneous Appeal. In the affidavit filed in support of the petition, in paragraph no.4, the petitioner has stated that after the fair and final order was passed in H.M.O.P.No.116 of 2009, there were several mediations by both relatives and well wishers of both the families, however, all ended in vain. Further, in paragraph no.6, she had stated that only because of the mediations pending, she could not filed the appeal in time.

3.It is not the case of the petitioner that she came to know about the fair and decreetal order passed in H.M.O.P.No.116 of 2009 only recently. Having known about the order passed in H.M.O.P.No.116 of 2009, the petitioner kept quite for nearly two years for filing the appeal. The reasoning given by the petitioner is not supported by any acceptable evidence. Except the petitioner, no one was examined on her side to prove that there was mediation between the parties. The reasoning given by the

petitioner cannot be accepted. In these circumstances, the Lower Appellate Court has rightly dismissed the application.

4. In these circumstances, I do not find any error or irregularity in the order passed by the Lower Appellate Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs.

Index : No
Internet : Yes
va

29.07.2015

To

The Principal District Court,
Tiruppur.

M.DURAIWAMY,J.
va

C.R.P.(NPD).No.2924 of 2015

29.07.2015