

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

**C.R.P.(NPD) No.686 of 2014
and M.P.No.1 of 2014**

C.Amudha

... Petitioner

..VS..

K.Appandu

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree made in I.A.No.3274 of 2012 in H.M.O.P.No.1374 of 2008 dated 28.11.2013 by the learned Principal Family Court, Chennai, dismissing the I.A., to set aside the exparte order.

For Petitioner : Mr.R.Prasadh
For Respondent : Mr.D.Manimaran

ORDER

Challenging the order dated 28.11.2013 passed in I.A.No.3274 of 2012 in H.M.O.P.No.1374 of 2008 dated 28.11.2013 on the file of the Principal Judge, Family Court, Chennai, the petitioner, who is the wife of the respondent, has filed the above Civil Revision Petition.

M. DURAISWAMY,J.,

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2. The application in I.A.No.3274 of 2012 was filed by the petitioner to set aside the exparte decree dated 06.11.2012 passed in H.M.O.P.No.1374 of 2008. The said application has been filed under Order 9 Rule 13 of the Code of Civil Procedure.

3. As per Under Order 43 Rule 1(d), an order under Rule 13 of Order 9 rejecting the application for an order to set aside the exparte decree is an appealable order. Since the Civil Revision Petition has been filed under Article 227 of the Constitution of India without availing the appeal remedy, the Civil Revision Petition is not maintainable.

4. In these circumstances, the Civil Revision Petition is rejected on the ground of maintainability. No costs. Connected miscellaneous petition is also dismissed.

18.11.2016

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To
The Principal Family Court, Chennai,

C.R.P.(NPD) No.686 of 2014

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