

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.1939 OF 2016

AND

CMP NO.10103 OF 2016

Anbalaghan

... Petitioner

Versus

Kanchana Devi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 02.04.2016 passed by the learned Judge, Family Court at Salem, in I.A.No.205 of 2014 in FCOP No.174 of 2013.

For Petitioner : Mr.T.Velumani
For Respondent : Mr.R.Marudhachalamurthy

ORDER

The petitioner initiated proceedings in O.P.No.174 of 2013, before the Family Court, Salem, praying for a decree of divorce. In the

said proceedings, the respondent was set *exparte*. The Trial Court passed an *exparte* decree. The respondent filed an application to condone the delay of 274 days in filing the petition to set aside the *exparte* decree. The Trial Court condoned the delay and allowed the application. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The respondent in her affidavit filed in support of the application in I.A.No.205 of 2014 contended that the petitioner herein took summons in a different address and it was not actually served on her.

4. Before the Trial Court, the petitioner could not produce any contra materials to show that the respondent actually resided in the address, where the summons was attempted to be served. The learned Trial Judge passed a discretionary order condoning the delay by giving cogent reasons. I do not find any error or illegality in the said order warranting exercise of supervisory jurisdiction under Article 227 of the

Constitution of India.

5. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected civil miscellaneous petition is closed.

10.11.2016

TK

To

The Family Court
Salem.

K.K.SASIDHARAN, J.

TK

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