

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP(PD)No.914 of 2016
and C.M.P.No.5070 of 2016

P.Veeramanikandan

... Petitioner

Versus

Mahalakshmi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 07.01.2016 made in I.A.No.4 of 2015 in H.M.O.P.No.15 of 2011 on the file of the learned First Additional Sub Court, Villupuram.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.C.Munusamy

ORDER

The petitioner filed H.M.O.P.No.15 of 2011 and obtained a decree ex parte. Thereafter, the respondent filed an application in I.A.No.4 of 2015 to condone the delay of 1166 days in filing the application to set aside the ex parte decree. The learned Trial Judge, having found that the respondent has shown justifiable reasons, allowed the application. The order dated 07.01.2016 in I.A.No.4 of 2015 in H.M.O.P.No.15 of 2011 is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that sufficient reasons were not given by the respondent in her application in I.A.No.4 of 2015 to condone the delay and as such, the Trial Court was not correct in allowing the application.

3. The respondent, in her affidavit filed in support of the application in I.A.No.4 of 2015, contended that after her appearance before the trial Court, the petitioner assured that he would not press the Original Petition and would resume cohabitation. According to the respondent, it was only on account of the said assurance, she failed to contest the matter. It was only subsequently, she came to know the ex parte decree was passed by the trial Court.

4. The trial Court considered the reasons given by the respondent and exercised the discretion by condoning the delay. I do not find any error or illegality in the order passed by the learned Trial Judge, warranting interference, by invoking the revisional jurisdiction under Article 227 of the Constitution of India.

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

04.11.2016

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To

The First Additional Sub Court,
Villupuram.

K.K.SASIDHARAN, J.

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