



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(PD) (MD)No.2057 of 2017

and

C.M.P(MD)No.10219 of 2017

Leema Joshpin

... Petitioner

vs.

Vinoth Kumar @ Vinoth Raj

... Respondent

Petition filed under Article 227 of the Constitution of India, against the order passed in dismissing the I.A.No.272 of 2017 in IDOP.No.35 of 2015 dated 26.04.2017 on the file of Principal District and Sessions Court, Trichirappalli.

For Petitioner

: Mr.T.Senthil Kumar

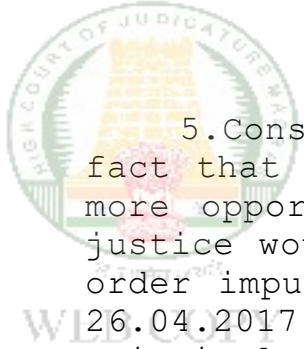
ORDER

This revision petition has been filed against the order passed in dismissing the I.A.No.272 of 2017 in IDOP.No.35 of 2015 dated 26.04.2017 on the file of Principal District and Sessions Court, Trichirappalli.

2.Learned counsel for the petitioner would aver that the revision petitioner and the respondent are wife and husband. The respondent/husband filed IDOP.No.35 of 2015 on the file of the Principal District and Sessions Court, Trichirappalli, for divorce. Due to non filing of counter, an ex parte decree was passed on 14.06.2016. The revision petitioner filed an application to set aside the exparte order and the same was allowed on payment of cost of Rs.500/- towards removal of Seemai Karuvelam Trees. On 26.04.2017, since that conditional order was not complied with, the petition to set aside the exparte order was dismissed, against which, this revision petition has been filed.

3.Today, learned counsel for the petitioner produced a receipt for payment of cost Rs.500/- imposed by the Court below on the petitioner payable towards removal of Seemai Karuvelam Trees.

4.Having regard to the production of receipt for payment of cost and considering the scope of revision, notice to respondent is not necessary.



5. Considering the receipt of payment of cost and also the fact that merits of the matter should be gone into by giving one more opportunity to the parties, this Court feels that ends of justice would be met by allowing this revision. Accordingly, the order impugned in I.A.No.272 of 2017 in IDOP.No.35 of 2015 dated 26.04.2017 is set aside and I.A.No.272 of 2017 is allowed. The Principal District and Sessions Court, Trichirappalli, is directed to dispose of IDOP.No.35 of 2015 in accordance with law after giving due opportunity to both parties.

With the above direction, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Principal District and Sessions Judge,
Trichirappalli.

Bala

AE/SKN RSK/SAR2/28.11.2017/2P/2C

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14.11.2017