

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD)No.4805 of 2017

T. Kanniappan ... Petitioner
Vs
N. Gnanasowndaree ... Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the fair and decreetal Order dated 29.11.2017 made in I.A.No.2984 of 2017 in O.S.No.387 of 2016, on the file of V Additional Family Court, Chennai dismissing the petition filed under Order IX Rule 7 of CPC.

For Petitioner : Mr.J.Karthikeyan

For Respondent : Mr.C.Sundaravadhanam

ORDER

According to the learned counsel for the petitioner, this Civil Revision Petition has been filed to set aside the order dated 29.11.2017 made in O.P.No.387 of 2016 on the file of the V Additional

Family Court, Chennai.

2. The Court below without considering the case of the petitioner, rejected the application on the ground that the petitioner has failed to file a petition for condoning the delay. Learned counsel for the petitioner submitted that under Article 137 of the Limitation Act, time limit prescribed for a petition to set aside the exparte order under Order IX Rule 7 of C.P.C. Therefore, the present order passed by the Court below is liable to be set aside.

3. In the above said facts and circumstances of the case, this Court is inclined to give an opportunity to the petitioner, on payment of cost. Accordingly, the orders passed by the Learned V Additional Judge, Family Court, Chennai in I.A.No.2984 of 2017 in O.P.No.387 of 2016 is set aside.

4. In fine, the C.R.P., is allowed on payment of cost of Rs.1,000/- to the respondent within a period of two weeks from the date of receipt of a copy of this order. In the event of non-payment, the C.R.P. stands dismissed automatically. In the event of compliance of the conditional order, the V Additional Family Court, Chennai is

directed to dispose of the O.P.No.387/2016 as expeditiously as possible. No cost. Consequently, connected civil miscellaneous petition is closed.

05.02.2018

Index: Yes/ No

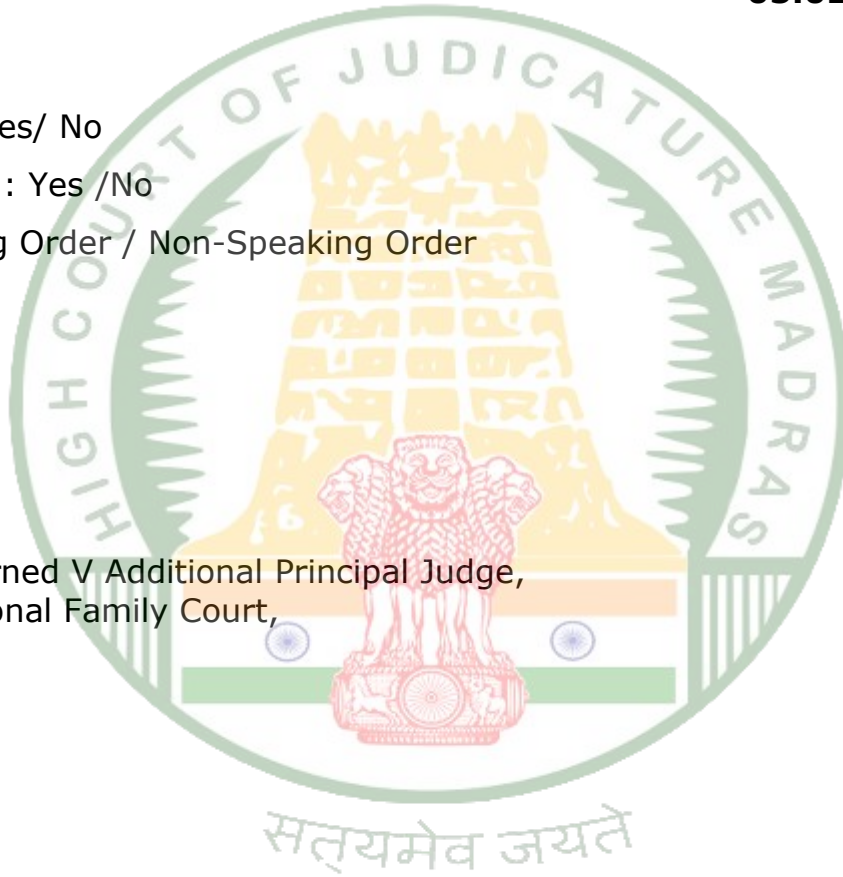
Internet : Yes /No

Speaking Order / Non-Speaking Order

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To

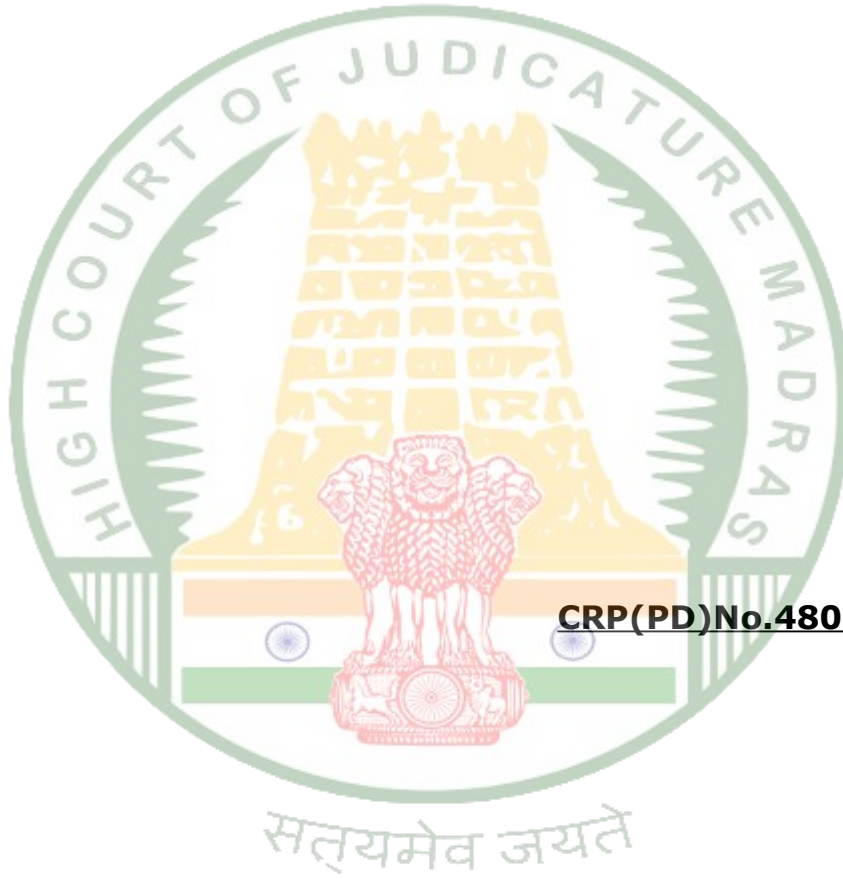
The Learned V Additional Principal Judge,
V Additional Family Court,
Chennai



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D. KRISHNAKUMAR J.,

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Order in
CRP(PD)No.4805 of 2017

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