

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(NPD).Nos.827 & 828 of 2018

K.V.Saravanan

.. Petitioner
in both CRP's

Vs

Pavithra Srinivasan

.. Respondent
in both CRP's

COMMON PRAYER

Civil Revision Petitions filed under Section 115 of the Civil Procedure Code against the order dated 17.11.2017 in IA.No.911 of 2017 and the order dated 11.12.2017 in IA.No.3142 of 2017 in IA.No.911 of 2017, in OP.No.2680 of 2014 passed by the learned V Additional Family Court, Chennai.

For Petitioner
in both CRP's

: Mr.D.Manimaran

COMMON ORDER

The Civil Revision Petitions are taken up for final disposal at the admission stage itself.

2. According to the revision petitioner, the revision petitioner has filed a petition in HMOP.No.2680 of 2014 for divorce on the file of the V Additional Family Court, Chennai. In the said OP, the defendant / respondent was set exparte on 16.06.2016 and exparte order passed by the court below. Thereafter, the respondent has filed an application in IA.No.911 of 2017 to condone the delay of 213 days in filing an application to set aside the exparte order. The said application was allowed by the court below. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court.

3. The learned counsel for the revision petitioner would submit that there is no sufficient reason stated in the affidavit for condoning the delay of 213 days. Further, after decree was passed on 18.08.2016, the revision petitioner has married another, namely Priya Dharshini on 23.02.2017. Under Section 15 of the Hindu Marriage Act, time for appeal has expired. On this ground, the order passed by the court below is liable to be set aside. Further, the court below has also allowed the application in IA.No.3142 of 2017 in IA.No.911 of 2017 to set aside the exparte order. Hence, the revision petitioner has challenged the above orders before this Court.

4. On perusal of the records, the court below has satisfied the reasons stated in the affidavit for condoning the delay. Therefore in the light of the decision of the Division Bench of the Hon'ble Supreme Court in the case of *N.Balakrishnan Vs. M.Krishnamurthy* reported in **(1998) 7 SCC 123**, this Court cannot interfere with the orders by the court below. There is no error or illegality in the orders passed by the court below. However, it is open to the revision petitioner to raise the above objections before the court below at the time of trial in the suit.

5. Therefore, in view of the above discussion, the Civil Revision Petitions fail and the Civil Revision Petitions are dismissed. No costs.

07.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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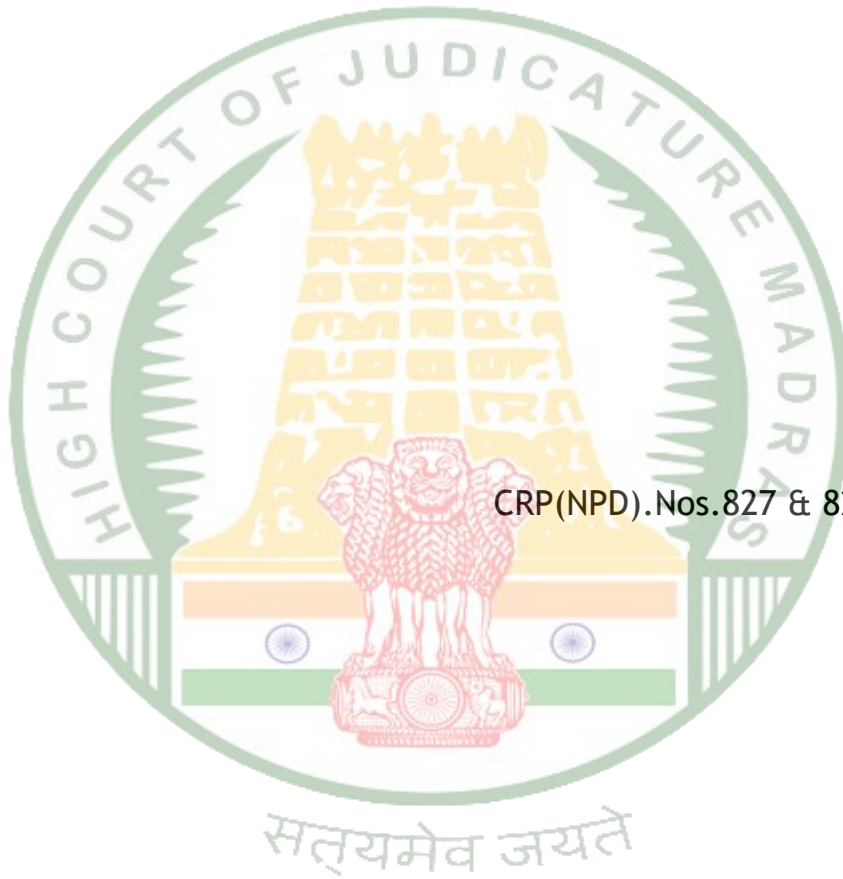
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D. KRISHNAKUMAR J.,

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To

The V Additional Family Court,
Chennai



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