



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018**

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

**C.R.P.PD[MD]Nos.1490 & 1491 of 2017
and
C.M.P. [MD]No.7981 of 2017**

Alangarameri @ Petshia : Petitioner/Respondent/
Respondent (in both C.R.Ps.)

Vs.

Jeyaraj : Respondent/Petitioner/
Petitioner (in both C.R.Ps.)

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 13.04.2017 and 11.07.2017 passed in I.A.No.66 and 96 of 2017, respectively in I.D.O.P.No.05 of 2014 on the file of the Family Court, Sivagangai and to allow this Civil Revision Petition.

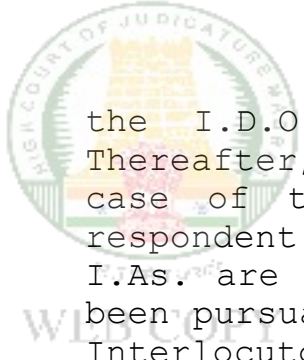
For Petitioner : Mr.C.Jeyaprakash

For Respondent : Mr.N.Tamilmani
[In both C.R.Ps.]

COMMON ORDER

The revision petitioner herein got married to the respondent on 27.05.1992. The revision petitioner filed I.D.O.P. No.4 of 2014, before the Family Court, Sivagangai for restitution of conjugal rights. The respondent filed I.D.O.P.No.5 of 2014, seeking relief of divorce. Both the I.D.O.Ps. were dismissed for default on 11.12.2015. Thereafter, the respondent applied for restoration of I.D.O.P.No.5 of 2014. There was a delay of 384 days in filing the said restoration application. To condone the same I.A.No.66 of 2017 was filed. The Court below allowed the said Interlocutory Application on payment of cost. Thereafter, the Court below also restored the said I.D.O.P.No.5 of 2014. Both these orders are under question in these C.R.Ps. at the instance of the wife.

2. When the matter was taken up for hearing, the learned Counsel appearing for the revision petitioner submitted that a compromise was effected between the parties and that is why both



the I.D.O.Ps. were dismissed for default on the same day. Thereafter, the parties appear to have lived together. It is the case of the revision petitioner. That is controverted by the respondent. But then, this Court is of the view that both the I.As. are to be allowed. The dismissal of the I.D.O.Ps. must have been pursuant to some understanding between the parties. But, the Interlocutory Application filed by husband alone came to be restored while the I.D.O.P. filed by the wife remained dismissed for default. Therefore, this Court *Suo Motu* restores I.D.O.P.No.4 of 2014. Both the matters shall be jointly tried. With this direction namely, restoration of I.D.O.P.No.4 of 2014, the orders impugned in these C.R.Ps. are sustained. The Court below shall dispose of both I.D.O.Ps. within two [2] months from the date of receipt of a copy of this order.

3.The learned Counsel appearing for the respondent submits that joint trial was already conducted and the matters were dismissed for default after the evidence was adduced on both sides. This submission is recorded.

4.The Civil Revision Petitions are dismissed, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

sd/
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judge,
The Family Court,
Sivagangai.

+1cc to MR.S.MUTHUKUAMR, Advocate in SR.No. 86506
+2ccs to MR.N.TAMILMANI, Advocate in SR.Nos. 86512,86511

MR
DS/RP/SAR3/27.10.2018/2P/5C

COMMON ORDER MADE IN
C.R.P.PD[MD]Nos.1490 & 1491 of 2017
25.09.2018