



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (NPD) (MD) No.2326 of 2017

Muthumari

... Petitioner

Vs.

Mathiazhagan

... Respondent

PRAYER: This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decretal order dated 09.08.2017, passed in I.A.No.504 of 2016 in H.M.O.P.No.671 of 2015, by the learned Judge, Family Court, Madurai.

For Petitioner : Mr.A.B.Natarajan
For Respondent : No Appearance

ORDER

The petitioner is the wife, who has filed H.M.O.P.No.671 of 2015 before the Family Court, Madurai, for divorce. The said H.M.O.P. was dismissed for default on 30.03.2016. Thereafter, she filed an application in I.A.No.504 of 2016 seeking to condone the delay of 175 days in filing the petition to restore the main H.M.O.P. After hearing both sides, the learned Judge, Family Court, Madurai, vide order dated 09.08.2017, dismissed the said I.A. Challenging the said order dated 09.08.2017, the present Civil Revision Petition has been filed.

2.When the Civil Revision Petition was taken up for hearing on 24.01.2018, this Court ordered notice to the respondent and notice was served on him and his name is also printed in the cause list, however, he has not chosen to appear either in person or through counsel.

3.Considering the facts and circumstances of the case, the delay of 175 days in filing the application for restoration of H.M.O.P.No.671 of 2015 is condoned and this Civil Revision Petition is allowed and the fair and decretal order dated 09.08.2017, passed in I.A.No.504 of 2016, is set aside. No costs. The learned Judge, Family Court, Madurai, is directed to number the restoration



application and pass orders on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

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Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-3)

To:

The Judge,
Family Court,
Madurai.

+ 1 CC TO Mr.A.B.NATARAJAN, ADVOCATE IN SR No. 72566

SMN2

TE/PN/SAR-3 : 24/07/2018 : 2P/3C

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