



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)(NPD)No.1071 of 2018

and

C.M.P.(MD)No.4646 and 8611 of 2018

Anitha

... Petitioner

/Vs./

Gurusamy

... Respondent

Prayer: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to pass an order setting aside the order dated 18.04.2018 passed in I.A.No.1 of 2018 in H.M.C.M.A.No. Of 2018 on the file of the Principal District Court, Ramanathapuram and allow the same.

For Petitioner	: Mr.J.Barathan
	for Mr.T.R.Jeyapalam
For Respondent	: Mr.S.M.Anantha Murugan

ORDER

The petitioner in this civil revision petition filed H.M.O.P.No.121 of 2014 on the file of the Sub Court, Ramanathapuram, for dissolving her marriage with the respondent herein. The learned Sub Judge, Ramanathapuram, allowed H.M.O.P.No.121 of 2014 on 27.01.2017. Questioning the same, the respondent herein filed an appeal before the Principal District Judge, Ramanathapuram. But, there was a delay in filing the appeal. According to the revision petitioner, the delay was 250 days, but, according to the respondent herein, the delay was 190 days.

2. Be that as it may, the respondent will have to make out sufficient cause for condoning the same. In this case, the first appellate Court, without recording its satisfaction that sufficient cause has been made out, has chosen to condone the delay. Therefore, the order impugned in this civil revision petition is set aside and accordingly, this civil revision petition is allowed. The matter is remitted to the file of the First appellate Court to decide I.A.No.1 of 2018 on merits and in accordance with law and pass orders afresh. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

The Principal District Judge, Ramanathapuram.

+1cc to Mr.S.M.Anantha Murugan, Advocate Sr.No.89463

+1cc to Mr.T.R.Jeyapalam, Advocate Sr.No.89623

SM

VB/SKN/SAR4/02.11.2018/2P/4C

Order made in
C.R.P. (MD) (NPD) No.1071 of 2018
09.10.2018