

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.2967 of 2008

S.Mohan

... Petitioner

Vs.

D.Nirmala

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 30.04.2008 made in I.A.No.536 of 2006 in M.O.P.No.88 of 2002 on the file of the Family Court, Pondicherry.

For Petitioner : Mr.S.Krishnasamy

For Respondent : Not ready in notice

ORDER

Challenging the order passed in I.A.No.536 of 2006 in M.O.P.No.88 of 2002 on the file of the Family Court, Pondicherry, the petitioner, who is the husband of the respondent has filed the above Civil Revision Petition.

2.The petitioner filed an Original Petition in M.O.P.No.88 of 2002 to declare the marriage solemnized between him and the respondent as null

and void and not binding on him. The Original Petition was filed in the year 2002. Subsequently, since the petitioner did not appear before the Family Court, the Original Petition was dismissed for default on 24.02.2003. Thereafter, the petitioner filed an application in I.A.No.536 of 2006 to condone the delay of 1209 days in filing the petition to restore the Original Petition, which was dismissed for default on 24.02.2003.

3.In the affidavit filed in support of the petition, the petitioner has stated that he was working as Senior Accountant in the Regional Workshop, Health Department, Salem and therefore, he could not come down to Pondicherry to attend the Court hearings, hence, the Original Petition was dismissed for default on 24.02.2003.

4.When the petitioner has filed the Original Petition, he should have been diligent in prosecuting the matter in a proper manner. Having filed the petition, he cannot leave it to be dismissed for default and thereafter, file an application to restore the Original Petition with a delay of 1290 days. The Family Court, taking into consideration the case of the parties, rightly dismissed the petition.

5. In these circumstances, I do not find any error or irregularity in the order passed by the Family Court. The Civil Revision Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs.

Index : No
Internet : Yes
Speaking / non - speaking order
va

05.04.2019

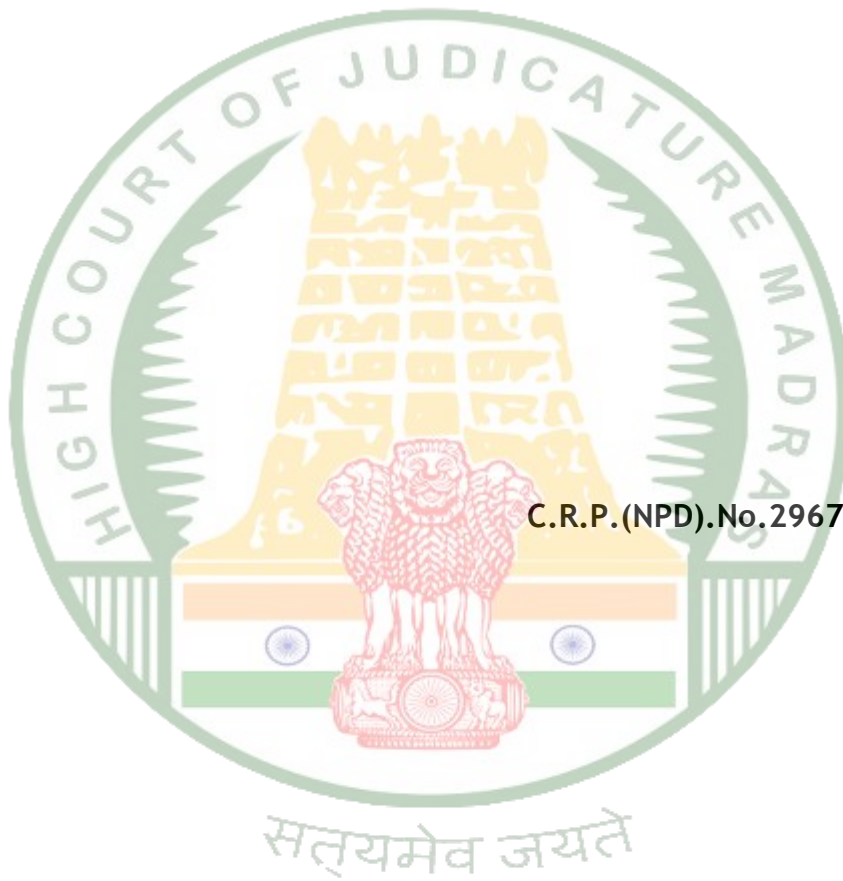
To

1. The Family Court, Pondicherry



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M. DURAISWAMY, J.
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