

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM

**THE HON'BLE MR.JUSTICE R. SURESH KUMAR**

**C.R.P.(PD) No.3750 of 2019**  
**and C.M.P.No.24631 of 2019**

Satya Sundar Sethy

... Petitioner

-Vs-

Deepika Sethy

... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.3849 of 2018 in H.M.O.P.No.1922 of 2016 dated 25.06.2018 on the file of the II Additional Family Court, Chennai.

For Petitioner : Mr.S.Arunkungumaraj

**ORDER**

This revision petition has been filed against the fair and decreetal order passed in I.A.No.3849 of 2018 in H.M.O.P.No.1922 of 2016 dated 25.06.2018 on the file of the II Additional Family Court, Chennai.

2. Before the II Additional Family Court, Chennai the petitioner filed H.M.O.P.No.1922 of 2016 for dissolution of marriage with the respondent wife. In the said O.P., the respondent wife was set exparte on 01.03.2017. In order to set aside the exparte order, the respondent wife filed I.A.No.3849 of 2018 and in that I.A., no counter was filed by the revision petitioner / husband and also there has been an endorsement made in the I.A., itself that it can be allowed, based on which

the learned Judge has allowed the said I.A., by the impugned order dated 25.06.2018. Assailing the same, the present revision petition has been filed.

3. Heard the learned counsel for the revision petitioner, who would submit that, without knowing the consequences of making an endorsement, such endorsement was made by the revision petitioner, as he was misled by the counsel, based on which the petition was allowed and therefore, the impugned order cannot be sustained and it has to be interfered with by this Court.

4. This Court is not impressed with the said submission made by the learned counsel for the revision petitioner, as it is a settled law that what has been available on record, will be taken into account. Since the revision petitioner has given his no objection, by way of an endorsement in the petition filed by the respondent wife and no counter has admittedly been filed in the said I.A., by the husband, the learned Judge has allowed the petition on 25.06.2018. Thereafter, more than one year and four months have gone by. Therefore, at this juncture, the said issue cannot be once again taken up, that too, without any basis.

5. In view of the above, the revision petitioner has not made out any case to interfere with the impugned order. Accordingly, the Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

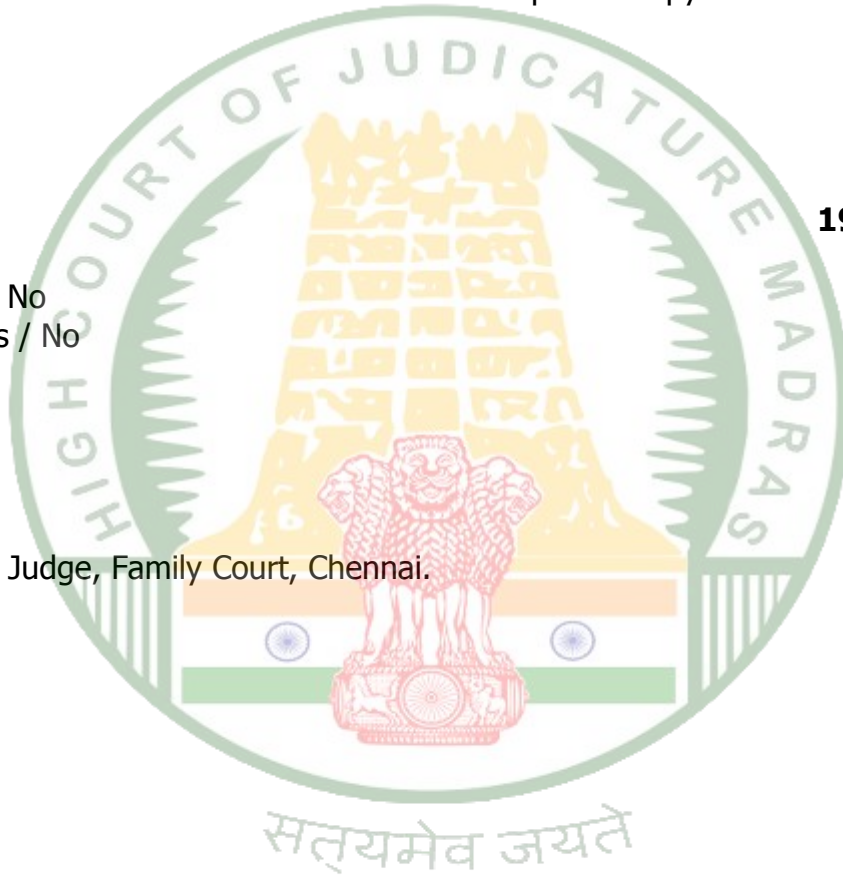
6. Since the H.M.O.P., is of the year 2016 and the same is pending after the impugned order, where the exparte order passed against the respondent wife was set aside, the Court below is directed to bestow its attention to the said O.P., to take steps to make some progress and decide the O.P., on merits at the earliest, preferably within six months from the date of receipt of a copy of this order.

**19-11-2019**

Index : Yes / No  
Internet : Yes / No  
KST

To

III Additional Judge, Family Court, Chennai.



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**R. SURESH KUMAR, J.**

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