

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.01.2019

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THE HONOURABLE MR.JUSTICE M.S. RAMESH

C.R.P. (PD) No. 3238 of 2018

and

CMP.No.18434 of 2018

Shoeb Ali Khan

... Petitioner

Vs.

Arjumand Ara

... Respondent

Prayer : Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 26.06.2018 passed in I.A.No.763/2018 in OS.No.49/2017 the learned V Additional Family Court, Chennai.

For Petitioner : M/S.R.Mahalakshmi

For Respondent : Mrs.V.S.Usha Rani

ORDER

The only reason on which the petitioner's application filed under Order IX Rule 7 of CPC came to be rejected is that there was a delay in filing the application to set aside the ex-parte order. Today, when the matter was called, the learned counsel for the petitioner submits that the petitioner is willing to file an application to condone the delay in filing the petition to set aside the ex-parte order, if such liberty is granted. The

delay in the instant case also does not seem to be inordinate and since, the case is one of matrimonial dispute, it would be appropriate to extend such a liberty to the petitioner herein.

2. As such the order, dated 26.06.2018 passed in I.A. No.763 of 2018 in O.S. No.49 of 2017 on the file of the learned V Additional Family Court, Chennai, is set aside. Consequently, the petitioner is granted liberty to file an application to condone the delay in filing the petition to set aside the ex-parte order as well as the application to set aside the ex-parte order, within a period of 15 days from the date of receipt of this order. On receipt of such applications, the learned V Additional Family Court Judge shall give opportunities to both the parties and dispose of the same, within a period of 60 days from the date of filing of such application. Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

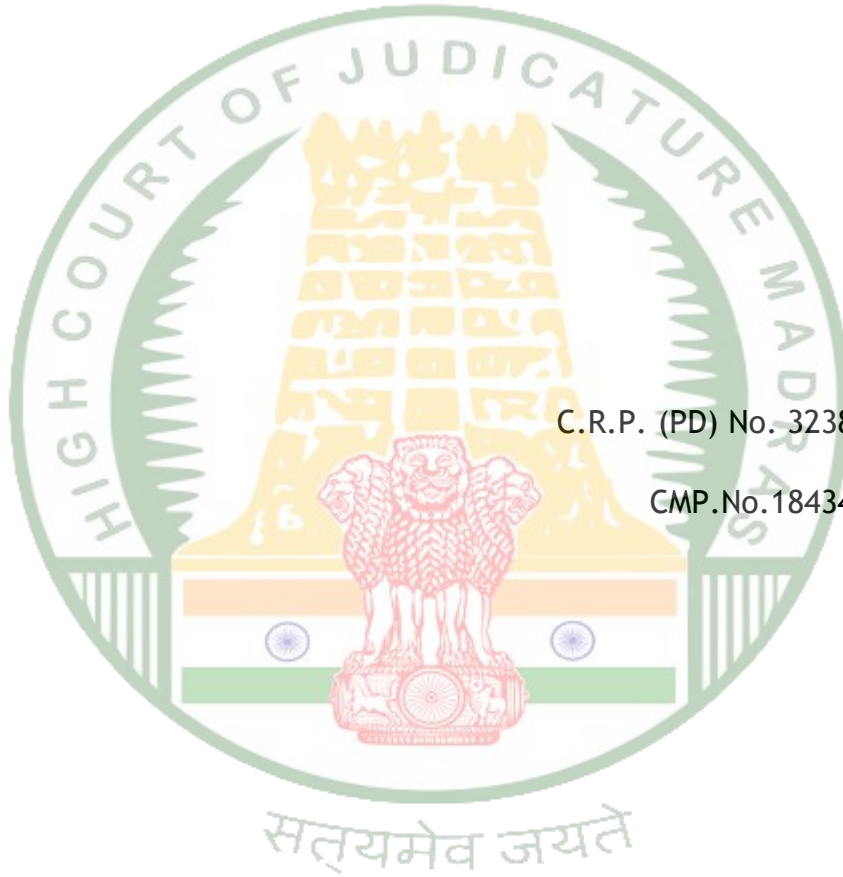
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**M.S. RAMESH, J.**

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To

V Additional Family Court,  
Chennai.



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