



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Dated : 25.02.2019**

**CORAM :**

**THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM**

**CRP (NPD) (MD) No.2544 of 2018**

**and**

**CMP. (MD) No.11190 of 2018**

D.Balasudha

.. Appellant/Petitioner/Respondent

Vs.

Subburaj

.. Respondent/Respondent/Petitioner

**PRAYER:** This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and Decreetal Order passed in I.A.No.85 of 2018 in H.M.O.P.No.9 of 2017, dated 22.10.2018, on the file of the Sub-Court, Aruppukottai.

For Petitioner

: Mr.S.Prabhu

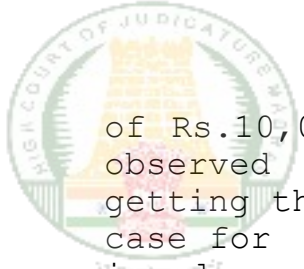
For Respondent

: Mr.S.J.Chakaravarthy

**ORDER**

The HMOP was preferred by the petitioner herein, who is the respondent in HMOP No.9 of 2017. I.A.No. 85 of 2018 was filed by the petitioner who is the wife to set aside the ex-parte order in HMOP NO.9 of 2017, dated 10.09.2018. The respondent also filed a counter in the petition stating that due to his ill health he could not appear before the court on the date of hearing. It is also observed that there are two petitions filed before the concerned court. Originally the said HMOP was filed before the Thirumangalam and transferred to Aruppukottai at the instigation of the husband and the case was transferred to Aruppukottai for disposal and the Sub-Court has also ordered interim maintenance to the wife. Apart from the earlier amount of Rs.50,000/- directing the husband to pay the arrears within three months and that the conditional order is that failing to such payment made by the respondent, the main HMOP No.9 of 2017 will be dismissed and the court has also directed the parties to co-operate for speedy disposal and the case was posted accordingly. There is no valid reason given by the petitioner to set aside the ex-parte order and hence the trial court dismissed the said petition with costs of Rs.10,000/- which is to be paid to the respondent with additional cost of Rs.10,000/-. Aggrieved against the said order, the present petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/> of the grievance raised by the petitioner herein and the petition was filed immediately, the trial court has not considered the same and dismissed the petition with exemplary cost



of Rs.10,000/- along with additional costs of Rs.10,000/-. It is observed in the petition filed by the petitioner that after getting the said amount, the petitioner has not proceeded with the case for earlier disposal and the reasons stated by the petitioner is also not genuine. Further, considering the representation made by the petitioner herein, this petition is allowed and the exemplary cost of Rs.10,000/- to be paid to the respondent is modified to Rs.2,000/- and additional exemplary costs of Rs.10,000/- is reduced to Rs.5,000/- to be paid within a period of two weeks from the date of receipt of a copy of this order. Further the petitioner is directed to co-operate with the Court for speedy disposal.

3. With the above direction the Civil Revision Petition is allowed. Consequently connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

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To  
The Sub-Judge, Aruppukottai.

+1CC TO MR.S.J.CHAKKARAVARTHI, Advocate Sr. No. 49689

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TR (02.04.2019) 2P 3C