



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.11.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CRP(MD)No.1953 of 2019
and
CMP(MD)No.10002 of 2019

Sudha ... Petitioner

versus

Ramesh ... Respondent

Revision Petition filed under Section 115 of C.P.C., against the order dated 22.07.2019 passed in I.A.No.757 of 2018 in HMOP No.188 of 2018 on the file of Family Court, Karur.

For Petitioner : M/s.S.Prabha

ORDER

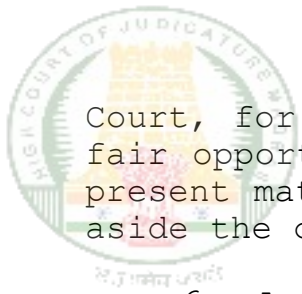
This Civil Revision Petition has been filed by the revision petitioner, against the order dated 22.07.2019 passed in I.A.No.757 of 2018 in HMOP No.188 of 2018 on the file of Family Court, Karur.

2. The revision petitioner is the wife and the respondent herein is the husband.

3. The husband/respondent herein has filed HMOP No.188 of 2018 before the Family Court, Karur, seeking divorce. However, the Court below, vide order dated 23.10.2018, passed an ex parte order. Challenging the same, the revision petitioner filed an interlocutory application in I.A.No.757 of 2018. However, the Court below allowed the application subject to payment of cost of Rs.500/-. Since the said cost was not paid by the revision petitioner as directed by the Court below in time, the Court below, vide order dated 22.07.2019, dismissed the said application. Challenging the same, the present revision petition has been filed.

4. The learned counsel appearing for the revision petitioner contended that due to illness, the revision petitioner was not able to approach her lawyer and to pay the cost.

5. Considering the facts and circumstances of the case and also considering the reason stated by the learned counsel appearing for the revision petitioner for non payment of cost in time, this



Court, for the purpose of rendering substantial justice and to give fair opportunity to the revision petitioner for adjudication in the present matter, is of the view that it is just and necessary to set aside the order passed in I.A.No.757 of 2018.

6. Accordingly, the Civil Revision Petition is allowed, by setting aside the order dated 22.07.2019 passed in in I.A.No.757 of 2018 in HMOP No.188 of 2018 on the file of Family Court, Karur and the revision petitioner is directed to pay the said amount as per the order of the Court below, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

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To
The Judge, Family Court, Karur.

+1 CC to M/s.S. PRABHA, Advocate (SR-95606[F] dated 01/11/2019)

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JMN(05.11.2019) 2P : 3C