



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (NPD) (MD)No.604 of 2020

and

C.M.P. (MD)No.3948 of 2020

N.Visalachi ... Petitioner/Petitioner/Respondent

Vs.

S.Nagappan ...Respondent/Respondent/Petitioner

PRAYER: The Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, against the fair and decretal order dated 03.06.2020 made in I.A.No.2 of 2019 in H.M.O.P.No.113 of 2018 on the file of Family Court Tiruchirappalli.

For Petitioner : Mr.P.Arun Jayatram

For Respondent : Mr.C.Jeganathan

ORDER

This Civil Revision Petition is filed against the order dated 03.06.2020 passed in I.A.No.2 of 2019 in H.M.O.P.No.113 of 2018 on the file of the Family Court Tiruchirappalli.

2.The Revision Petitioner is the wife of the respondent. The respondent had laid H.M.O.P.No.113 of 2018 for dissolution of the marriage, that the matter was referred to mediation by the trial Court, that the mediation failed, that the trial of the case commenced and that the petitioner did not show anxiety to participate in the enquiry and accordingly, an exparte order of dissolution of marriage was passed by the trial Court on 02.02.2019, and to set aside the ex-parte decree, the petitioner has filed necessary petition along with I.A.No.2 of 2019 to condone the delay of 21 days in filing the former petition. The trial Court considered this petition and took into account what the trial Court perceived as not a very happy conduct of the revision petitioner and dismissed the petition. Challenging the same, the revision petitioner is before this Court.



3.Heard both sides.

4.While it is necessary that parties to a litigation show anxiety and responsibility to submit to judicial process, yet, there may be circumstances, which may require a degree of flexibility and elasticity in the procedural process.

5.Take into consideration the facts and circumstances of the case, this Court chooses to allow the Civil Revision Petition but, subject to the condition that the revision petitioner takes necessary responsibility for participating in the proceedings before the trial Court.

6.In the result the Civil Revision Petition is allowed and accordingly, order dated 03.06.2020 made in I.A.No.2 of 2019 in H.M.O.P.No.113 of 2018 on the file of Family Court Tiruchirappalli is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Family Court,
Tiruchirappalli.

C.R.P. (NPD) (MD)No.604 of 2020

07.10.2020

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