

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD) No.3398 of 2015  
and M.P.No.1 of 2015

J.Vasanthi @ Sridevi ... Petitioner

Vs.

M.Karunanidhi ... Respondent

**Prayer :-** Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the order and decretal order dated 08.07.2015 made in I.A.No.2755 of 2014 in O.P.No.4272 of 2013 on the file of the III Additional Family Court, Chennai and allow this revision petition.

For Petitioner : Mr.D.Ravindranathan

For Respondent : No appearance

**ORDER**

This revision petition is directed against the fair and decretal order dated 08.07.2015 made in I.A.No.2755 of 2014 in O.P.No.4272 of 2013 by the learned III Additional Principal Judge, Family Court, Chennai, thereby dismissing the application filed by the petitioner to condone the

delay of 65 days in filing petition to set aside exparte decree.

2. The petitioner is the wife and the respondent is the husband. The respondent filed the above Original Petition for divorce. The petitioner fell in sick and she was admitted in the hospital for taking treatment till 03.12.2013. During that time, summon was issued and it was also received by some one, since the petitioner and the respondent were living under the same roof. Due to her ill-health she was unable to appear before the trial Court. Therefore, she was set exparte on 08.04.2014 and the exparte decree was passed on 18.08.2014. Further she stated that during that time, she was also delivered second child and due to her health conditions, she was unable to appear before the trial to file petition to set aside the exparte decree within the time. Therefore, there was a delay of 65 days in filing petition to set aside the exparte decree. However, the trial Court dismissed the said application for the reason that no document has been produced by the petitioner to prove that she fell in sick and admitted in the hospital during December, 2013.

3. On perusal of records, the petitioner and the respondent are

living under the same roof and they delivered two children. Further the respondent also did not get second marriage.

4. The learned counsel appearing for the petitioner would submit that if the exparte decree set aside and the petition for divorce restored, there is a possibility for amicable settlement between the petitioner and the respondent herein.

5. Though, a counsel entered appearance on behalf of the respondent, for the past three hearings no one is appeared for the respondent.

6. Considering the above facts and circumstances, the order dated 08.07.2015 passed by the learned III Additional Principal Judge, Family Court, Chennai, in I.A.No.2755 of 2014 in O.P.No.4272 of 2013 is hereby set aside.

7. Accordingly, this Civil Revision Petition is allowed. There

shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.01.2021

Internet : Yes

Speaking order/Non-speaking order

rts

To

1. The III Additional Principal Judge,  
Family Court, Chennai.
2. The Section Officer,  
V.R. Section,  
Madras High Court,  
Chennai.

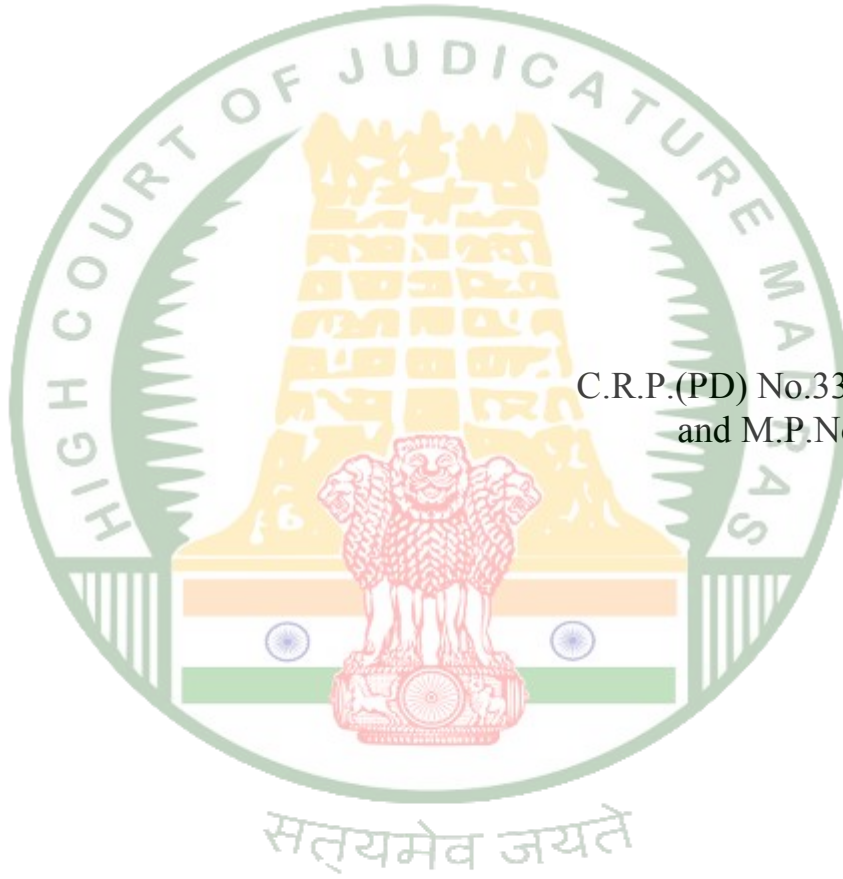


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*C.R.P.(NPD)No.3398 of 2015*

**G.K.ILANTHIRAIYAN, J.**

rts



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