

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1275 of 2016
and C.M.P.No.7085 of 2016

T.Yesudoss

... Petitioner

Vs.

Y.D.Reena

... Respondent

PRAYER: The Civil Revision Petition filed under Section 115 CPC against the Order and Decree passed in I.A.No.44 of 2015 in I.D.O.P.No.5 of 2012 by the Principal District Judge, Vellore dated 28.01.2016 and set aside the same.

For Petitioner : Mr.D.Nanda Gopal

For Respondent : Mr.R.Margabandhu

ORDER

(Heard through video conferencing)

This Civil Revision Petition has been filed against the Order and Decree dated 28.01.2016 passed in I.A.No.44 of 2015 in I.D.O.P.No.5 of 2012 by the Principal District Judge, Vellore.

2. The petitioner has filed the petition under Section 5 of the Limitation Act in I.A.No.44 of 2015 to condone the inordinate delay of 752 days in filing a petition to set aside the *exparte* Decree passed in I.D.O.P.No.5 of 2012 and the same was dismissed by the Principal District Judge, Vellore, on the ground that the petitioner has not stated any acceptable reasons to condone the huge delay of 752 days. The I.D.O.P. was filed by the wife who is the respondent herein, for getting a Decree for divorce. Since this petitioner had remained *exparte*, the Original Petition was allowed and the decree for divorce was granted.

3. Having waited for more than 2 years, the petitioner all of a sudden thought to get an order to set aside the *exparte* Decree. So he filed a petition to condone the delay of 752 days in filing the petition to set aside the *exparte* Decree. If the petitioner had the true intention of contesting the petition for the purpose of saving his marriage, he would not have remained *exparte* and waited for two years after an *exparte* Decree was passed. In this long interval, there are even chances for change in the life of the parties and it would have given way for third parties interest also. The conduct of the petitioner in causing this much delay seems that his intention is just to harass the respondent by abusing the process of the Court. The Trial Court is right in dismissing the petition.

Therefore, I find no factual or legal infirmity in the Order of the Trial Court so as to interfere.

Hence, the Civil Revision Petition is dismissed. No costs. Connected miscellaneous petition is closed.

14.06.2021

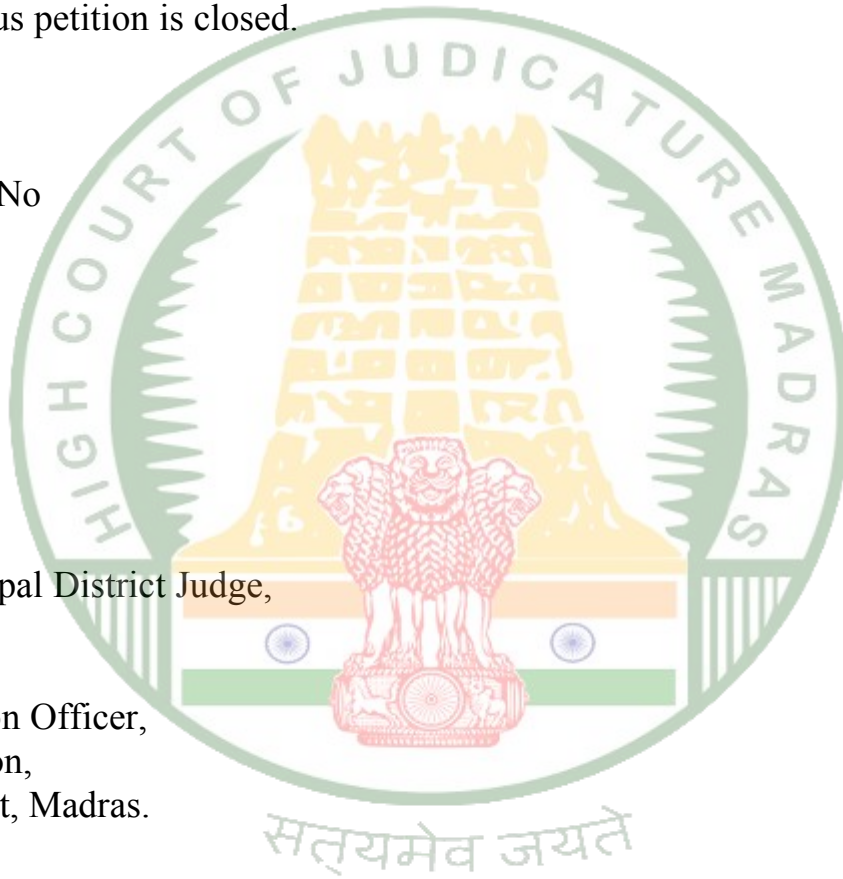
Index : Yes/No

Sni

To

1.The Principal District Judge,
Vellore.

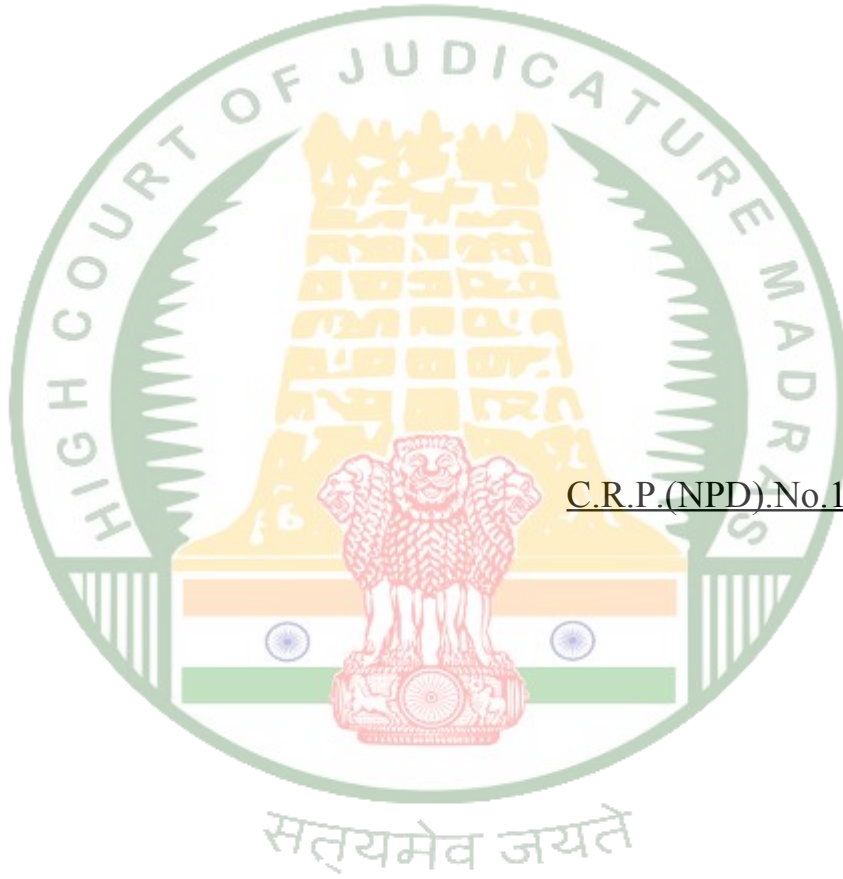
2.The Section Officer,
V.R.Section,
High Court, Madras.



WEB COPY

R.N.MANJULA,J.

Sni



C.R.P.(NPD).No.1275 of 2016

WEB COPY

14.06.2021