

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM

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

C.R.P.(NPD)No.654 of 2018

S.Venugopal

... Petitioner

Vs.

Dr.G.Saroja

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 21.09.2017 made in I.A.No.673 of 2013 in O.P.No.623 of 2006 on the file the VI Additional Family Court, Chennai an allow the revision petition.

For Petitioner : Mr.P.Gunaraj

For Respondent : Not ready in notice

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 21.09.2017 passed by the learned VI Additional Principal Judge, Family Court, Chennai, in I.A.No.673 of 2013 in O.P.No.623 of 2006, thereby dismissing the petition to condone the delay of 1370 days in filing the petition to set aside the ex-parte decree.

2. The petitioner is the husband and the respondent is the wife. The wife filed divorce petition in O.P.No.623 of 2006 at her age of 62 years, on the ground of cruelty. On receipt of the summon, the petitioner filed his counter and thereafter he failed to appear before the Court below. Therefore, he was set ex-parte and ex-parte decree of divorce was passed in favour of the respondent herein on 24.04.2009. Thereafter, the petitioner filed the petition to set aside the ex-parte decree along with the condone delay petition in I.A.No.673 of 2013 to condone the delay of 1370 days. The trial Court dismissed the said petition, as against which the present Civil Revision Petition.

3. On perusal of the affidavit filed in support of the condone delay petition, the petitioner stated that he fell ill and he was hospitalized for surgery. Thereafter he had undergone for knee treatment. Therefore, he was not able to appear before the Court below. It is to be noted that now the petitioner is aged about 78 years and the respondent is aged about 77 years. If the condone delay petition is allowed, no purpose would be served. Therefore, the Court below rightly dismissed the condone delay petition and

this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, the Civil Revision Petition stands dismissed.

There shall be no order as to costs.

30.07.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The VI Additional Principal Judge,
Family Court, Chennai

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

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G.K.ILANTHIRAIYAN, J.

rts



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