

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CRP. (PD) No.3993 of 2019

and C.M.P. No. 26278 of 2019

K.Palani

... Petitioner

Vs.

A.Poovarasi

... Respondent

Civil Revision Petition is filed under Section 115 C.P.C., against the fair and decreetal order passed in I.A. No.1 of 2019 in I.A. No.376 of 2019 in O.P. No.3759 of 2019, on the file of III Additional Family Court Judge, Chennai dated 27.09.2019.

For Petitioner : Ms. N.Alamelu Mangai

For Respondent : Ms. Janani.

ORDER

This petition is filed to set aside the order passed in I.A. No.1 of 2019 in I.A. No.376 of 2019 in O.P. No.3759 of 2019, on the file of learned III Additional Family Court Judge, Chennai, on 27.09.2019.

2. I.A. No.1 of 2019 was filed to set aside the *ex parte* order passed in I.A. No.376 of 2019, dated 21.05.2019. The learned III Additional Principal Judge, after considering the rival submissions, allowed this petition on a condition of payment of cost of Rs.22,500/- to the respondent for paying school fee of his child on or before 24.10.2019, failing the payment, the petition was ordered to be dismissed. Against the said order, this Civil Revision Petition is preferred.

3. Heard both the counsel.

4. It is seen from the adjudication of this Court on 20.12.2019, that this Court ordered interim stay on condition that petitioner should pay a sum of Rs.22,500/- by way of Demand Draft drawn in favour of the respondent towards school fee for the child and the demand draft was ordered to be handed over directly to the respondent.

5. Learned counsel for the respondent also submitted that in compliance with the direction of this Court, Demand Draft was handed over to the respondent. Learned counsel for the respondent also submitted that Demand Draft was received.

6. In view of the compliance of the directions of this Court and the condition of the learned III Additional Principal Judge, this Court allows this Civil Revision Petition and set aside the exparte order of the learned III Additional Principal Judge in I.A. No.1 of 2019 in I.A. No.376 of 2019 in O.P. No.3759 of 2019. No costs. Consequently, connected miscellaneous petition is closed. The learned III Additional Principal Judge, is directed to dispose of the I.A. No.376 of 2019, on merits and in accordance with law, as expeditiously as possible.

07.09.2021

Index: Yes / No
Speaking order / Non speaking order
bkn

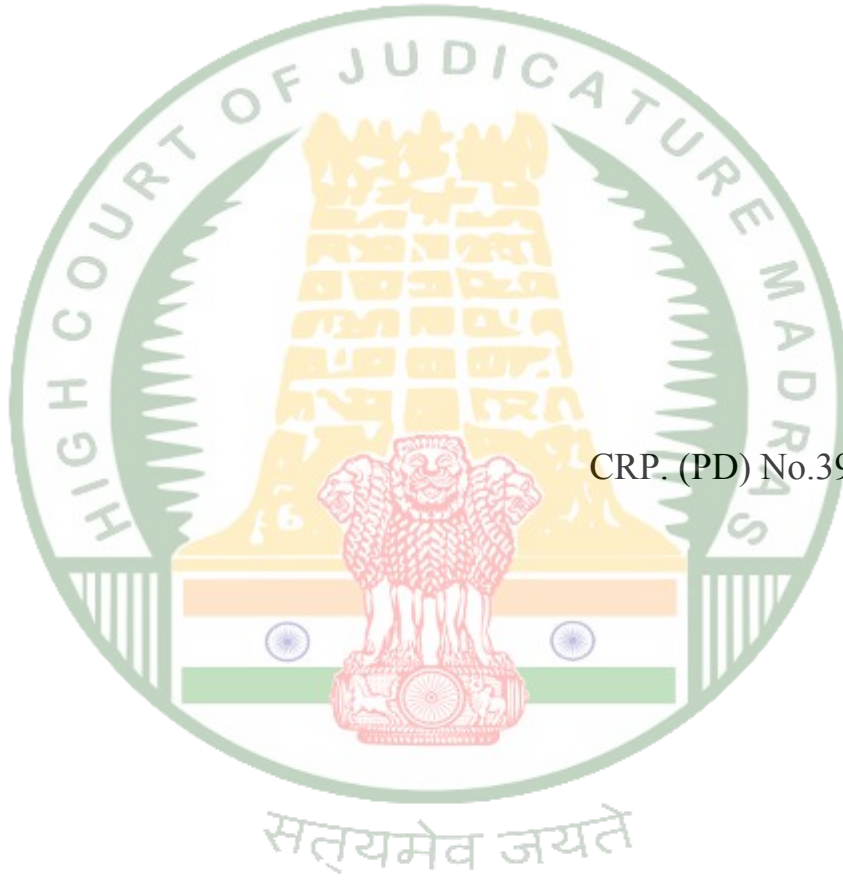
Copy To:

The III Additional Principal Judge, Family Court, Chennai.

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G.CHANDRASEKHARAN. J.,

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