

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM

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

CRP.NPD.No.4110 of 2018

Vinoth Kumar

..Petitioner

Vs.

Revathi

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 26.09.2018 passed in IA.No.25 of 2017 in HMOP.No.34 of 2012 on the file of the Subordinate Judge, Tirupattur, Vellore District

For Petitioner : Mr.M.Sivavarthanan

For Respondent : Mr.D.Gopal

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 26.09.2018 passed in IA.No.25 of 2017 in HMOP.No.34 of 2012 on the file of the Subordinate Judge, Tirupattur, Vellore District, thereby dismissing the petition to condone the delay in filing the petition to restore the petition.

2. The petitioner is the husband and the respondent is the wife. The petitioner got married with the respondent on 10.03.2006. Due to misunderstanding between them, they got separated and resulted in divorce petition on the ground of cruelty. While pending the divorce petition, there are so many proceedings initiated by the respondent. Further, the petitioner was working in Singapore and as such he was not able to attend the family court. Therefore, the petition was dismissed for default on 22.04.2013. Thereafter, the petitioner filed petition to restore the same with delay of 1510 days.

3. On perusal of the affidavit filed in support of the condone delay petition revealed that the petitioner was working in Singapore and he fell ill and therefore, he was not able to attend the family court. The learned counsel for the petitioner would also submit that the respondent / wife has now come forward for amicable settlement by receiving permanent alimony. Therefore, the petitioner may be given one more opportunity to pursue the petition since there is possibility for settlement between the petitioner and the respondent.

4. In view of the above, this civil revision petition is allowed and the order dated 26.09.2018 passed in IA.No.25 of 2017 in HMOP.No.34 of 2012 on the file of the Subordinate Judge, Tirupattur,

Vellore District is set aside on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the respondent as costs within a period of two weeks from the date of receipt of copy of this order, failing which the order passed by this Court shall stand automatically cancelled. On such compliance of the condition, the trial court is directed to restore the main petition and dispose of the same on merits and in accordance with law. No order as to costs

30.07.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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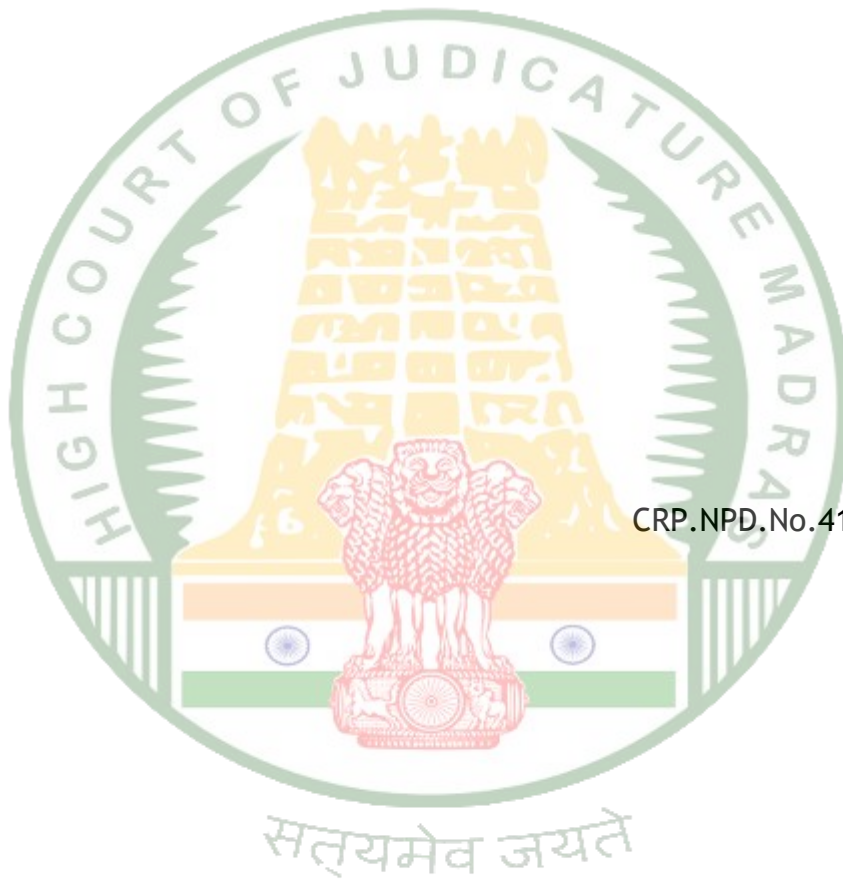
To
The Subordinate Judge,
Tirupattur, Vellore District



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G.K.ILANTHIRAIYAN,J.

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