



C.R.P(PD).No.1116 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1116 of 2022

and

C.M.P.No.5753 of 2022

R.Divya

... Petitioner

.. Vs..

R.Srikanth

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 25.11.2021 in I.A.No.57 of 2021 in H.M.O.P.No.1750 of 2021 on the file of the Subordinate Court, Alandur.

For Petitioner : Mr.D.Alexis Sudhakar

For Respondent : Mr.S.Suresh

ORDER

This Civil Revision Petition has been preferred challenging the order dated 25.11.2021 made in I.A.No.57 of 2021 in H.M.O.P.No.1750 of 2021 passed by the learned Sub Judge, Subordinate Court, Alandur.



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2. The petitioner is the wife and respondent in the matrimonial proceedings filed by the respondent/husband in H.M.O.P.No.1750 of 2021 to declare the marriage as null and void. In the said proceedings this petitioner/wife was set ex-parte on 09.10.2018 and thereafter, she filed a petition in I.A.No.57 of 2021 to set aside the ex-parte order and the same was allowed on condition. Challenging the said order the revision petitioner has preferred this petition.

3. The learned counsel for the petitioner submitted that the petitioner has got a genuine ground to set aside the ex-parte order and hence, the learned Sub Judge, Alandur ought not to have imposed a cost of Rs.2,000/- for no fault of her.

4. On perusal of the order of the learned Sub Judge, Alandur it is seen that the notice sent to the petitioner herein/respondent was returned as refused. Even in the affidavit of the petitioner filed along with this petition it is stated that when the Court staff came for serving notice, her



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aunt was in the house and she refused to receive it out of fear. The fact remains that the process server went to the house of the petitioner for serving notice and the same was returned with an endorsement 'refused'. The learned trial Judge appreciated the merits of the petition and has chosen to impose a nominal cost of Rs.2,000/- and allowed the petition. Since she had already refused the notice, there cannot be any grievance for her to comply the condition. Instead of complying the condition and to co-operate for early disposal, the petitioner has filed the present petition, which lacks merit. As I do not find any factual or legal infirmity in the impugned order, there is no reason for interference in the order of the trial Judge.

5. Hence, this Civil Revision Petition is dismissed and the order dated 25.11.2021 made in I.A.No.57 of 2021 in H.M.O.P.No.1750 of 2021 passed by the learned Sub Judge, Subordinate Court, Tambaram is



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hereby confirmed. No costs. Consequently connected miscellaneous petition is closed.

6. In view of the pendency of this Civil Revision Petition the petitioner is at liberty to file a petition under Section 148 Cr.P.C to extend the time for paying the cost. In the event of such petition is filed, the learned trial Judge could consider it liberally and grant reasonable time for paying the cost.

21.06.2022

Index:Yes No
Speaking Order:Yes/No
ms

To

1.The Subordinate Judge,
Sub Court,
Alandur.

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

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R.N.MANJULA, J.

ms

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