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C.R.P (PD) No.1533 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P (PD) No.1533 of 2022
and C.M.P. No.6702 of 2022

Durai

... Petitioner

Vs.

Aswini @ Hamsaveni

... Respondent

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Arani, to pass order by allowing the application filed under Section 5 of the Limitation Act in I.A. No.10 of 2015 in H.M.O.P. No.27 of 2010 and to dispose of the application filed under Order IX Rule 9 CPC.

For Petitioner : Mr.S.Ravichandran

ORDER

HMOP No.27 of 2010 instituted by the revision petitioner for dissolution of marriage came to be dismissed for default. To restore it, the revision petitioner took out an application and alongside it, he also took out I.A. No.10 of 2015 to condone the delay of 155 days in filing the restoration application. This application came to be allowed with a direction to the revision petitioner to



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deposit 75% of the interim alimony amount.

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2. Aggrieved by the condition imposed, the revision petitioner has approached this court in C.R.P. No.410 of 2021. This CRP was disposed of by this court on 04.03.2021, wherein this court merely extended the time to the revision petitioner to comply with the condition imposed by the trial court. According to the revision petitioner, this condition indeed has been complied with.

3. Learned counsel appearing for the revision petitioner submitted that despite complying with the condition, the learned Subordinate Judge would not make a formal order allowing I.A. No.10 of 2015 to enable him to have the other application taken out under Order IX Rule 9 numbered.

4. This court is informed that the learned Subordinate Judge, Arani, has now been transferred. However, this court cannot fathom for the learned Subordinate Judge, who sat over I.A. No.10 of 2015 without passing any orders. This court now requires the registry to obtain an explanation from the learned Subordinate Judge.



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5. For the present, this court directs the learned Subordinate Judge, Arani to pass necessary orders in I.A. No.10 of 2015, within a period of two weeks, at any rate, not later than 17.06.2022.

6. With the above direction, the civil revision petition stands disposed of. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

28.04.2022

Asr

To
The Subordinate Judge, Arani

N.SESHASAYEE, J.,



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