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C.R.P.No.2164 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM

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

C.R.P.No.2164 of 2019
and
C.M.P.No.14001 of 2019

H.R.Manjunath

.. Petitioner

Vs.

Nethra

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order made in I.A.No.73 of 2018 in H.M.O.P.No.133 of 2017 dated 05.04.2019 passed by the Principal Sub-Judge, Hosur, Krishnagiri District and thereby allow the above revision.

For Petitioner : Mr.R.Dhinesh Kumar

For Sole Respondent : Mr.S.C.Vishwanath

ORDER

This Civil Revision Petition has been filed as against the order made in I.A.No.73 of 2018 in H.M.O.P.No.133 of 2017 dated 05.04.2019 passed by the Principal Sub-Judge, Hosur, Krishnagiri District, thereby dismissed the petition to set aside the exparte order.

2. The petitioner is the husband and the respondent is the wife. After



their marriage, there was strained relationship between them and as such the respondent was driven out from the matrimonial home. Thereafter, the respondent filed a petition for divorce in H.M.O.P.No.133 of 2017 on the ground of cruelty before the Trial Court. Pending the petition, the respondent also filed an Interlocutory application, in I.A.No.32 of 2018, seeking interim maintenance. It was allowed in favour of the respondent and directed the petitioner to pay a sum of Rs.15,000/- from 20.04.2018 and also ordered interim maintenance to the respondent, till the disposal of the divorce petition.

3. Aggrieved by the same, the petitioner preferred Civil Revision Petition before this Court, in C.R.P.PD.No.3764 of 2018. This Court, by an order dated 30.11.2018, stayed all the proceedings of the order passed by the Court below, on condition that the petitioner pays the entire outstanding arrears as on date to the respondent herein. However, it was not complied with by the petitioner. In the meanwhile, he was set exparte in the divorce petition. Hence, he had filed a petition to set aside the exparte decree in I.A.No.73 of 2018 in H.M.O.P.No.33 of 2017. It was dismissed and aggrieved by the same, the present revision.

4. On 26.08.2019, the divorce petition was allowed and decreed in favour of the respondent herein. The Civil Revision Petition in



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C.R.P.PD.No.3764 of 2018 was also dismissed for default by this Court by an order, dated 01.03.2021.

5. Further, the learned counsel for the petitioner submitted that there is no instructions from the petitioner.

6. In view of the above, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

13.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

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To

The Principal Sub-Judge, Hosur,
Krishnagiri District

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