



WEB COPY



C.R.P.No.3046 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3046 of 2022
and C.M.P.No.16425 of 2022

S.Sathyanaarayanan

... Petitioner

Versus

Mrs.Varshini

...Respondent

Prayer : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the order in I.A.No.03 of 2021 in H.M.O.P.No.3289 of 2018 dated 04.08.2022 passed by the Vth Additional Family Court, Chennai.

For Petitioner : M/s.S.Bala Ganesh

ORDER

The Civil Revision Petition is filed by the petitioner/husband challenging the order passed by the learned Vth Additional Family Court, Chennai allowing the application filed by the respondent/wife seeking to restore her petition for divorce in H.M.O.P.No.3289 of 2018, which was dismissed for default.



C.R.P.No.3046 of 2022

2. The respondent in her affidavit filed in support of the application to restore her petition for divorce in H.M.O.P.No.3289 of 2018, which was dismissed for default, had stated that, on the relevant date, she was not well and due to her illness, she could not attend the Court. Immediately, after acquiring knowledge about the dismissal of her petition, she filed an application to restore her petition. By the impugned order made in I.A.No.03 of 2021, the learned V Additional Principal Judge, Family Court, Chennai had allowed her petition to restore her petition and had imposed a cost of R.10,000/- on her as a condition to allow her petition.

3. The main original petition is for divorce filed by the respondent/wife. Having regard to the fact that the main original petition is concerning a matrimonial dispute in the interest of justice, this Court is inclined to take a liberal view. Having satisfied with the reason adduced by the respondent/wife filed in support of the petition to restore the original petition, the Court below exercised its discretion in favour of respondent/wife. Therefore, I am not inclined to interfere with the order passed by the Court below. Accordingly, this Civil Revision Petition is dismissed. Consequently Connected Miscellaneous Petition is closed.



C.R.P.No.3046 of 2022

4. The learned counsel for the petitioner made a request to this Court to issue a direction to the learned V Additional Principal Judge, Family Court, Chennai to dispose the said original petition within a stipulated time as directed by this Court.

5. Having regard to the fact that the said H.M.O.P. is of the year 2018, this Court is inclined to issue a direction to the learned V Additional Principal Judge, Family Court, Chennai to dispose of the same within a period of eight months from the date of receipt of copy of this order.

26.09.2022

Index : Yes/No

Speaking Order : Yes /No

Sma

To:

learned V Additional Principal Judge, Family Court, Chennai



WEB COPY



C.R.P.No.3046 of 2022

S.SOUNTHAR,J.

Sma

C.R.P.No.3046 of 2022
and CMP No.16425 of 2022

26.09.2022