



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(PD) (MD) .No. 1012 of 2022

Sujit Rajappa ... Petitioner/Respondent/Petitioner

Vs

Renee Jebaline ... Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the impugned fair and decreetal order dated 24.08.2021 of the learned Judge, Family Court (Camp at Padmanabhapuram) Kanyakumari, at Nagercoil, in I.A. No.193 of 2018 in IDOP No. 72 of 2018.

For Petitioner : Mr.K.N.Thambi
For Respondent : M/s.M.Athilakshmi

ORDER

To set aside the impugned fair and decreetal order, dated 24.08.2021 of the learned Judge, Family Court (Camp at Padmanabhapuram) Kanyakumari District at Nagercoil, in I.A. No.193 of 2018 in IDOP No. 72 of 2018, the revision petitioner has filed this Civil Revision Petition.

2.Heard the learned counsel appearing for petitioner and perused the materials available on record.

3.The respondent/petitioner has filed a petition in I.A.No.193 of 2018 to condone the delay. The revision petitioner/husband is residing at Germany and without serving notice to him, it was allowed and delay condoned, without verifying whether notice was served on to the revision petitioner or not. Hence, the revision petitioner has filed this revision petition.

4.Even without receiving notice, the revision petitioner has filed counter in I.A.No.193 of 2018 and the same was disposed of. The petition filed to set aside the exparte order is pending in I.A.No.1 of 2021. Hence, the Judge, Family Court (Camp at Padmanabhapuram) Kanyakumari District at Nagercoil is hereby directed to verify whether the notice in I.A.No.193 of 2018 was served properly or not and also to decide the issue in the pending I.A.No.1 of 2021. The learned Judge, Family Court is directed to



find out whether the remarriage done by the revision petitioner is before the date of filing of counter statement in I.A.No.193 of 2018.

5.With these observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The Judge, Family Court (Camp at Padmanabhapuram)
Kanyakumari District at Nagercoil

Copy to:

The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.ATHILAKSHMI, Advocate (SR-22647[F] dated 29/04/2022)

+1 CC to M/s.K.N.THAMBI, Advocate (SR-22824[F] dated 29/04/2022)

C.R.P(PD) (MD) .No. 1012 of 2022

and CMP(MD)No.4037 of 2022

29.04.2022

MGJ(25.05.2022) 2P 6C