



CRP(MD)No.1432 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**CRP (MD) No.1432 of 2017**

**and**

**CMP (MD) No.7224 of 2017**

Chandramohan : Petitioner

Vs.

Susila : Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the order dated 03.04.2017 made in I.A.No.66 of 2016 in H.M.O.P.No.56 of 2013, on the file of the Additional Sub Court, Thanjavur and set aside the same.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.D.Venkatesh

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**ORDER**

The petitioner / husband has filed the petition in H.M.O.P.No.56 of 2013, as against the respondent / wife, seeking divorce, before the Additional Sub Court, Thanjavur. The said petition was decreed *ex-parte* and in



order to challenge the said *ex-parte* decree, the respondent / wife has filed an interlocutory application in I.A.No.66 of 2016, with a delay of 131 days. The learned Additional Subordinate Judge, by order dated 03.04.2017, allowed the interlocutory application, by condoning the delay. Challenging the same, the petitioner / husband has moved the instant revision petition.

2.Learned Counsel appearing for the petitioner submits that after the *ex-parte* decree in H.M.O.P.No.56 of 2013, he married another woman and therefore, reopening the divorce petition would certainly prejudice the petitioner. He further submitted that even though no valid reasons are assigned by the respondent in the interlocutory application for the delay, the trial Court has mechanically allowed the application.

3.Learned Counsel appearing for the respondent submitted that the respondent suffered from Jaundice and Uterus problem and therefore, she could not defend the divorce case, when the matter was listed for cross examination.



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4.Heard the learned Counsel appearing on either side and perused the available materials.

5.It appears that the trial Court, after considering the length of delay, ie., 131 days and also the plea taken out by the respondent that due to some illness she could not defend the case properly, has condoned the delay on payment of Rs.1000/-, payable by the respondent to the petitioner. After satisfying with the reasonings assigned, the trial Court has condoned the delay. The respondent / wife deserves an opportunity to defend the case. This Court does not find any error in the order of the trial Court that warrants interference.

Accordingly, this revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

Index : Yes / No  
Internet : Yes  
gk

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To

The Additional Subordinate Judge,  
Thanjavur.



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**B.PUGALENDHI, J.**

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