



WEB COPY



C.R.P.No.695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

**THE HONOURABLE Dr. JUSTICE D. NAGARJUN**

Civil Revision Petition.No.695 of 2023

Perumal Ramkumar

... Petitioner

Vs.

Latha Natarajan  
represented by her Power Agent  
K.Natarajan

... Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India seeking to set aside the fair and final order dated 15.09.2022 made in I.A.No.529 of 2018 in H.M.O.P.No.384 of 2015 on the file of the Additional Principal Family Judge, Coimbatore.

For Petitioner : M/s.P.Saravana Sowmiya

For Respondent : Mr.Narayanan

**ORDER**

This petition is filed by the revision petitioner questioning the orders passed by the learned Additional Principal Family Judge, Coimbatore in I.A.No.529 of 2018 in H.M.O.P.No.384 of 2015 filed for condoning the delay of 675 days in setting aside the exparte decree passed on 14.10.2016.



WEB COPY

2. The petitioner herein is the husband of the respondent whose marriage is stated to have been performed on 04.09.1998. On account of disputes which arouse between the husband and wife, the petitioner has filed H.M.O.P.No.384 of 2015 on the file of the Additional Principal Family Judge, Coimbatore, on the ground of cruelty. During the pendency of the petition, the respondent/wife has failed to defend herself and thereby, she was set exparte, and exparte decree was passed against her. Challenging the same, the respondent/wife filed an application in I.A.No.529 of 2018 under Section 5 of the Limitation Act to condone the delay of 675 days in filing petition to set aside the exparte decree and on hearing both sides the learned Trial Judge has passed impugned order condoning the delay of 675 days on payment of costs of Rs.5,000/- to be deposited on or before 06.10.2022. Aggrieved by the same, present Civil Revision Petition is filed.

3. During the Course of hearing, learned counsel for the petitioner and petitioner were present before the Court. The learned counsel for the respondent and the respondent appeared through video conferencing.

4. The learned counsel for the respondent has submitted that the Trial Court has passed reasoned order and there is no need for interference by this



Court. He further stated that earlier one K.M.Dinakaran, Advocate/Mediator has successfully conducted mediation and 95% of the issues between the parties have been resolved and requested this Court to refer the parties to mediation once again, so that rest of the issues can also be resolved.

5. The learned counsel for the petitioner has submitted that the respondent has mentioned in the affidavit filed before the Trial Court that she is not intending to come to India and she has already taken divorce in the the District Court of Travis Country Texas in U.S.A. By quoting relevant averments in the affidavit of the petitioner, the learned counsel for the respondent urged to dismiss the Revision as even if exparte decree is set aside, the respondent will not participate in the proceeding, thereby whole process becomes futile. The learned counsel for the petitioner has also further submitted that the respondent was given 1 Kg of gold, and house property in U.S.A and also in India at the time of grant of divorce. However, the same is disputed by the learned counsel on record for the respondent.

6. Considering the submissions made by both sides, it appears that though the parties had taken divorce in the District Court of Travis Country Texas in U.S.A., there are certain issues still unresolved between the parties.



C.R.P.No.695 of 2023

Considering, the previous, positive experience narrated by the learned counsel for the respondent, it is desirable to refer the parties once again to the same Mediator/Counselor by name K.M.Dinakaran at Coimbatore, to see whether the issue between the parties can be resolved.

7. Considering the discussion made above, this Civil Revision Petition is disposed of by confirming the orders passed by the learned Additional Principal Family Judge, Coimbatore. Further considering the orders passed in I.A.No.529 of 2018, the learned Trial Judge is directed to consider the application filed for setting aside the exparte decree and restore H.M.O.P.No.384 of 2015 back to file. It is reported that as per the direction of this Court, costs of Rs.5,000/- has already been deposited. On restoring the setting aside exparte orders passed after taking H.M.O.P.No.384 of 2015 back to file, both parties are directed to attend the mediation at Coimbatore in presence of Mr.K.M.Dinakaran, Advocate/Mediator on 19.06.2023 and other dates as required in the event of mediation being unsuccessful, the parties are directed to learned Additional Principal Family Judge, Coimbatore is directed to dispose of the petition as expeditiously as possible not later than four months from the date of receipt of copy of this Order and both parties are directed to cooperate for enquiry.



C.R.P.No.695 of 2023

WEB COPY8. Accordingly, this Civil Revision petition is disposed of. No costs.

12.06.2023

jai

Note: Issue order copy on 16.06.2023

Index: Yes/No

Speaking Order: Yes/No

To  
The Additional Principal Family Judge,  
Coimbatore.



WEB COPY



C.R.P.No.695 of 2023

**Dr.D. NAGARJUN, J.**  
jai

C.R.P.No.695 of 2023

12.06.2023