



WEB COPY



CRP.No. 2207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRP.No. 2207 of 2023

M.Sathish Kumar

... Petitioner

Versus

M.Suganthi

.. Respondent

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the order dated 10.03.2023 passed in I.A.No. 12 of 2023 in Unnumbered CMA on the file of the Principal District Judge, Cuddalore District.

For Petitioner : Mr.V. Rajesh Babu
For Respondent : Mr.V. Balamurugane

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decretal order dated 10.03.2023 passed in I.A.No. 12 of 2023 in Unnumbered CMA pending on the file of the Principal District Judge, Cuddalore.



CRP.No. 2207 of 2023

WEB COP 2. Heard both side and perused the records.

3. On a perusal of the records, it is seen that the petitioner/husband has filed HMOP.No. 15 of 2017 before the Subordiante Court, Neyveli, against the respondent/wife seeking dissolution of marriage. After perusing the records, the Court below dismissed the original petition by order dated 29.07.2022. Aggrieved by the said order, the petitioner has preferred an appeal to set aside the order dated 29.07.2022. Subsequently, the petitioner has filed IA.No.12 of 2023 under Section 5 of the Limitation Act r/w Section 151 of CPC., seeking to condone the delay of 99 days in filing and number the Civil Miscellaneous Appeal. The application was allowed by order dated 01.03.2023 directing the petitioner to pay a cost of Rs.1,000/- to the respondent on or before 09.03.2023 and the cost imposed by the trial Court was not paid by the petitioner. On 10.03.2023, the petitioner called absent and petition is dismissed for default by the trial Court. Challenging the docket order, the petitioner has come forward with the present Civil Revision Petition.



CRP.No. 2207 of 2023

4. The learned counsel for the petitioner submits that the petitioner is ready and willing to pay the costs of Rs.1,000/- imposed by the trial Court within a period of three weeks.

5. Considering the facts and circumstances of the case, and taking into account of the reason stated by the petitioner, this Court is inclined to consider the request made by the petitioner. Accordingly, this Court directs the petitioner to pay the costs of Rs.1,000/- as imposed by the trial Court to the respondent/wife within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the trial Court is directed to number the Unnumbered CMA and dispose of the Civil Miscellaneous Appeal pending on the file of the Principal District Judge, Cuddalore, as expeditiously as possible in accordance with law.

6. With the above directions, the Civil Revision Petition is disposed of. However, there shall be no order as to costs.

28.08.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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CRP.No. 2207 of 2023

To
WEB COPY

1. The Subordinate Judge, Neyveli.
2. The Section Officer, V.R.Section, High Court, Madras.



WEB COPY



CRP.No. 2207 of 2023

V.BHAVANI SUBBAROYAN, J.

msm

CRP.No. 2207 of 2023

28.08.2023