



WEB COPY



CRP.No. 2888 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMIL SELVI

CRP.No.2888 of 2023
and
CMP.No.17877 of 2023

V.Venugopal

... Petitioner

Vs.

Kousalya Devi

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decretal Order passed by the Additional Family Court at Coimbatore in I.A.No.03 of 2021 in HMOP.No.846 of 2019 dated 22.02.2023.

For Petitioner : Mr.Thangavadhanabalakrishnan

For Respondent : Mr.K.V.Muthuvisakam

ORDER

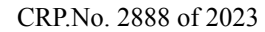


CRP.No. 2888 of 2023

The petitioner has filed this petition to set aside the order passed by the learned Additional Family Judge, Coimbatore in I.A.No.03 of 2021 in HMOP.No.846 of 2019 dated 22.02.2023.

2. Before the trial Court the petitioner has filed HMOP.No.846 of 2019, on the file of the Family Court, Coimbatore, under Section 13(1)(ia) of the Hindu Marriage Act 1955, for dissolving the marriage between the petitioner and the respondent and thereafter, ex-parte order was passed against the respondent on 16.03.2021. Against which the respondent has filed I.A.No.3 of 2021 in HMOP.No.846 of 2019, under Order IX Rule 13 and Section 151 of CPC to set aside the ex-parte decree passed against her. On hearing both sides the learned trial Judge allowed I.A.No.3 of 2021 on payment of cost of Rs.1,000/-. Aggrieved by the said order the revision petitioner has preferred this revision.

3. The learned counsel for the petitioner submitted that the petitioner and the respondent got married on 02.09.2009 at Amanalingeswarar Temple, Tiruppur under the Rites and customs of Hinduism. On 10.06.2010 they begot a girl child. Due to matrimonial dispute arose between them the petitioner has filed HMOP.No.846 of 2019. The petitioner was working at Dubai during their



5. Considering both side submissions and on a perusal of the records, it reveals that the learned trial Judge rightly concluded, which needs no interference by this Court.



CRP.No. 2888 of 2023

WEB COPY 6. Accordingly, this Civil Miscellaneous petition is dismissed.

Consequently connected Miscellaneous petition is closed. No costs.

7. However, on considering the facts on record the matter is referred to the Mediation centre before the learned Family Judge, Coimbatore. The learned Family Judge is directed to proceed with the case not less than 5 sittings. If any of the parties in abroad, permitted to appear through video conference.

28.11.2023

Index : Yes/No

Speaking order / Non speaking order

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To

1. The Additional Family Judge,
Coimbatore.



CRP.No. 2888 of 2023

2.The Family Judge, Coimbatore.

3.The Section Officer, VR-Section,
High Court of Madras.

T.V.THAMIL SELVI, J.

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