



CRP No. 4081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.11.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4081 of 2023
and
CMP.No.24972 of 2023

Sumathi

... Petitioner

Versus

Selvam

... Respondent

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the petition and order dated 25.07.2022, in I.A.No.2 of 2020 in HMOP.No.141 of 2014 on the file of Family Court, Namakkal.

For Petitioner : Mr.K.Selvakumar

ORDER

The petitioner has filed this petition to set aside the order dated 25.07.2022, in I.A.No.2 of 2020 in HMOP.No.141 of 2014 on the file of the Family Court, Namakkal.

2. Heard Mr. K.Selvakumar, learned counsel for the petitioner and perused the materials available on record.

3. The learned counsel for the petitioner submitted that, before the trial



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Court the respondent has filed an HMOP.No.141 of 2014 on the file of the Family Court, Namakkal, for dissolve the marriage between the petitioner and the respondent, dated 25.11.1998 and the marriage was an arranged one. Out of their wedlock, the petitioner has blessed two female children. Due to matrimonial dispute the respondent has filed the said HMOP. The case was posted for cross-examination on 24.11.2017 and the respondent has failed to appear on that day, hence the said HMOP was dismissed for default. Against which the respondent has filed an I.A.No.2 of 2020 in HMOP.No.141 of 2014 for restoration with delay of 739 days and stated that life sentence given in Spl.CC.No.11 of 2015 to the respondent in murder of his elder daughter on 11.10.2017 and the respondent has filed an appeal in CrI.A.No.716 of 2018 before this Court and the same was allowed on 30.04.2019. Again, arrested for non-appearance in C.C.No.150 of 2018 by non-bailable warrant and released on 21.05.2019. On July 2019, the respondent met his counsel to know the status of the HMOP then only he came to know the dismissal of HMOP. The respondent requested his counsel to restore the same, but the counsel set bundle was miss-placed, hence, the restoration petition was filed with delay of 739 days.

4. On a perusal of the records, it reveals that already there was a



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matrimonial dispute between the petitioner and the respondent. The respondent released from jail on 27.11.2020, thereafter, he failed to take steps to restore the above HMOP. The learned trial Judge rightly concluded and dismissed the petition as default, which needs no interference by this Court.

5. However, the learned trial Judge is directed to dispose of the case within a period of two months from the date of receipt of copy of this order, without giving unnecessary adjournment to the parties.

6. Accordingly, this Civil Revision petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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T.V.THAMILSELVI, J.

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To

1. The Family Judge, Namakkal.
2. The Section Officer,
VR-Section, High Court of Madras.

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