



C.R.P.No. 4732 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

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

C.R.P.No. 4732 of 2023
and
C.M.P.No.28079 of 2023

Sujeendran Thampi

... Petitioner

-Vs-

S.Sruthi

...Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the docket order pronounced in I.A.SR.No.5184 of 2023 in I.A.No.1 of 2022 in H.M.O.P.No. 1109 of 2021 dated 29.09.2023 passed by the Hon'ble Sub-Court at Alandur.

For Petitioner : Mr.S.Jayakumar

ORDER

Challenging the impugned docket order passed in I.A.SR. No. 5184 of 2023 in I.A.No.1 of 2022 in H.M.O.P.No.1109 of 2021 passed by the learned Sub-Judge, Alandur, the Revision Petitioner preferred this Civil



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Revision Petition.

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2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondent is dispensed with.

3. Before the trial court, the Revision Petitioner filed a petition for divorce in the year 2021. That petition was contested by the respondent wife and she also filed an interlocutory application in I.A.No.1 of 2022 seeking for maintenance, since she is living with a child. However, in that application, when the matter was posted for enquiry, he has not appeared on 23.03.2023 and he was set exparte. Immediately, on coming to know about the exparte decree order passed on 30.06.2023, within a period of two months from the date of the said order, the interim application filed by the respondent wife was also allowed by the trial judge on the very same day. Aggrieved over the same, the revision petitioner husband filed an application to set aside the exparte order, but the same was returned by the trial judge stating that provision of law is not mentioned correctly. But, on that day, the order was not pronounced, however, when the Revision Petitioner was directed to mention the correct provision at the time of filing the interim application, the order was pronounced. Now, the stage of the case is I.A. is allowed and he has to file necessary application as per



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manner known to law. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

21.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Sub-Court, Alanthur.



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T.V.THAMILSELVI, J.

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