



C.M.P.(MD)No.5865 of 2023 &
C.R.P.(MD)SR.No.22927 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**C.M.P.(MD)No.5865 of 2023
and
C.R.P.(MD)SR.No.22927 of 2022**

Prabhu Seelan, S/o.Ramraj

... Petitioner /
Petitioner

Vs.

Selvi, W/o.Prabhu Seelan

... Respondent/
Respondent

PRAYER IN C.M.P.(MD)No.5865 of 2023: Petition filed under Order IV, Rule 9(4) of A.S. Rules, seeking to condone the delay of 285 days in re-presenting C.R.P.(MD)SR.No.22927 of 2022.

PRAYER IN C.R.P.(MD)SR.No.22927 of 2022: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 09.03.2022, made in I.A.No.39 of 2022 in H.M.O.P.No.817 of 2014, on the file of the Family Court, Madurai.

For Petitioner : Mr.R.Alagumani

ORDER

This petition has been filed by the petitioner seeking to condone the delay of 285 days in re-presenting C.R.P.(MD)SR.No.22927 of 2022,



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against order dated 09.03.2022, made in I.A.No.39 of 2022 in
H.M.O.P.No.817 of 2014, on the file of the Family Court, Madurai.

2.The petitioner is the petitioner in H.M.O.P.No.817 of 2014. The said petition was filed by him for dissolving the marriage allegedly solemnized with the respondent before an Advocate on 13.06.2013.

3.It is the specific case of the petitioner that the respondent herein had suppressed the factum of first marriage and that she had a son, by name Prenav, aged about 20 years.

4.The facts on record indicate that in the H.M.O.P. filed by the petitioner, he had deposed evidence. It appears that the respondent has also filed a parallel proceeding for restitution of conjugal rights after the petitioner's evidence as P.W.1 was over and R.Ws.1 to 3 were cross-examined and that during the cross-examination of the respondent's witness on 09.03.2020, it came to the knowledge of the petitioner that during the inception of marriage, the respondent had signed an affidavit stating that the marriage with the petitioner was the first marriage.



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WEB COPY However, in the cross-examination, on 09.03.2020, the respondent had stated that she did not know about the facts in the affidavit.

5.The reason given in the application for condoning the delay is that there is a delay in obtaining the certified copy of the order dated 09.03.2022 in I.A.No.39 of 2022. The certified copy of the order, which has been kept along with the typed set of papers, is a common order passed in I.A.Nos.38 to 40 of 2022 in H.M.O.P.No.817 of 2014 filed by the petitioner. The petitioner had applied for certified copy on 05.07.2022 belatedly and thereafter, obtained the certified copy of the order on 12.07.2022. The petitioner has filed the Civil Revision Petition together with an application to condone the delay of 285 days on 04.05.2023. The reasons given in the affidavit filed in support of the petition, does not make out a case for condoning the delay. It appears that the petitioner has also filed similar petitions. However, the status of the same is not known.

6.Be that as it may, the delay has not been properly explained and therefore, this Court is not inclined to condone the delay.



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WEB COPY 7. In such a view the matter, this Petition is dismissed.

Consequently, the Civil Revision Petition, which is in SR stage, is rejected. No costs.

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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01.06.2023

To

The Judge,
Family Court,
Madurai.



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C.SARAVANAN, J.

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