



WEB COPY

C.R.P(MD)No.2057 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.2057 of 2023
and
C.M.P(MD)No.10301 of 2023

Rameshmuthu

... Petitioner/Petitioner
/Respondent

Vs.

Akila Sowmiya

... Respondent/Respondent/
Petitioner

Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the Unnumbered Cr.M.P.SR.No. 4578 of 2023 in D.V.No.13 of 2019 dated 07.06.2023 on the file of the learned Judicial Magistrate Court, Saathankulam, Thoothukudi District and to direct the learned Judicial Magistrate Court, Saathankulam, to register the above petition.

For Petitioner

:Mr.S.R.Anbarasu



ORDER

This Civil Revision Petition is preferred as against the returned order dated 07.06.2023 passed in Unnumbered Cr.M.P.SR.No.4578 of 2023 in D.V.No.13 of 2019 by the learned Judicial Magistrate Court, Saathankulam, Thoothukudi District.

2.According to the revision petitioner/husband, the respondent/wife filed a petition in DVC No.13 of 2019 before the Judicial Magistrate Court, Saathankulam, and no notice or summon was served to the petitioner, since she was residing at Chengalpattu at the relevant period. Hence, he did not appear before the Court and ex-parte order was passed against the petitioner. Thereafter, he filed an application to set aside the ex-parte order and the same was returned by the Court below stating that calling for explanation as to how the above petition is maintainable. Again, the revision petitioner represented the above petition and it was returned for non compliance. Assailing such order, the present civil revision petition is filed.

3.Heard the learned counsel appearing for the petitioner and perused the materials available on record.



4.On perusal of records, it is seen that on 30.05.2023 the above petition is returned calling for explanation as to how the petition is maintainable. However, the revision petitioner without giving any explanation and represented the said petition to set aside the ex-parte order. The trial Court again returned the application by stating that the earlier order was not complied.

5.In view of the above, this Court directs the petitioner to represent the said application with sufficient explanation as to how the petition is maintainable.

6.With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The Judicial Magistrate Court,
Saathankulam, Thoothukudi District.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Note:Registry is directed to return the original documents to the learned counsel for the petitioner after substituting the same.



WEB COPY

C.R.P(MD)No.2057 of 2



K.GOVINDARAJAN THILAKAVADI, J.

Ns

C.R.P(MD)No.2057 of 2023
and
C.M.P(MD)No.10301 of 2023

21.08.2023