



WEB COPY



C.R.P.Nos.2033 & 2036 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.Nos.2033 & 2036 of 2024
and
C.M.P.Nos.10886 & 10892 of 2024

Preethi Sudhakaran

... Petitioner
in both CRPs

Vs.

R.Prabhudas

... Respondent
in both CRPs

PRAYER in C.R.P.No.2033 of 2024: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 26.04.2024 in I.A.No.3 of 2024 in O.P.No.1434 of 2021 passed by the learned II Additional Principal Family Judge, Chennai.

PRAYER in C.R.P.No.2036 of 2024: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 26.04.2024 in I.A.No.2 of 2024 in O.P.No.1742 of 2021 passed by the learned II Additional Principal Family Judge, Chennai.



C.R.P.Nos.2033 & 2036 of 2024

For Petitioner
in both CRPs : Mr.Ms.G.S.Janani
for Ms.R.Revathy

For Respondent
in both CRPs : Dr,S.S.Swaminathan

COMMON ORDER

C.R.P.No.2033 of 2024 is filed to set aside the docket order dated 26.04.2024 in I.A.No.3 of 2024 in O.P.No.1434 of 2021 passed by the learned II Additional Principal Family Judge, Chennai and C.R.P.No.2036 of 2024 is filed to set aside the docket order dated 26.04.2024 in I.A.No.2 of 2024 in O.P.No.1742 of 2021 passed by the learned II Additional Principal Family Judge, Chennai.

2.The contention of the learned counsel for the petitioner is that O.P.No.1424 of 2021 filed by the respondent seeking divorce and O.P.No.1742 of 2021 filed by the petitioner seeking restitution of conjugal rights, joint trial conducted. On 01.03.2024, the petitioner was unable to



attend the Court since her mother fallen sick and she had to take her to Doctor and attend her. The Family Court set her exparte on 01.03.2024 and dismissed the O.P. filed by the petitioner. The petitioner filed I.A.No.3 of 2024 to set aside the exparte order in O.P.No.1434 of 2021 and I.A.No.2 of 2024 to restore O.P.No.1742 of 2021. The Family Court allowed the petitions on 17.04.2024 with a direction to pay Rs.300/- each to the respondent on or before 25.04.2024 and the case was posted on 26.04.2024. She would submit that the petitioner intended to hand over the amount to the respondent in person on his appearance, before the Family Court and hence, she waited till 26.04.2024, on which date when the cost was offered to the respondent, he refused to receive the same. Thereafter, a memo filed and the Family Court not considered the same, dismissed the petitions. Even now the petitioner is ready to pay the cost and proceed with the case.

3.The learned counsel for the respondent submits that he does not intend to stand on the technicalities. His only grievance is that the petitioner for one reason or other delaying the proceedings before the Family Court and if the proceedings are completed within a time frame, he has no



objection for setting aside the exparte order and restoring the petitions.

WEB COPY

4.The learned counsel for the petitioner submits that the petitioner is pursuing her MBA course and she got her exams, hence considering the same time limit may be fixed.

5.Considering the submissions made, it is seen that the petitioner could not able to attend the Court on 01.03.2024 only due to her mother's ill health. Hence, this Court is inclined to set aside the docket order, consequently exparte order and dismissed for default order passed by the learned II Additional Principal Family Judge, Chennai in I.A.No.3 of 2024 in O.P.No.1434 of 2021 and I.A.No.2 of 2024 in O.P.No.1742 of 2021 dated 26.04.2024 with a direction to the petitioner to co-operate with the proceedings. Since both the O.Ps. are of the year 2021, the II Additional Principal Family Court, Chennai is directed to complete the proceedings in both O.P.No.1424 of 2021 and O.P.No.1742 of 2021 within a period of five months from the date of receipt of a copy of this order.



C.R.P.Nos.2033 & 2036 of 2024

6. With the above directions, the civil revision petitions are allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

24.06.2024

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

cse

To

The II Additional Principal Family Judge,
Chennai.



WEB COPY



C.R.P.Nos.2033 & 2036 of 2024

M.NIRMAL KUMAR, J.

cse

C.R.P.Nos.2033 & 2036 of 2024

24.06.2024