



CRP No.4386 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP No.4386 of 2024

and

CMP No.24415 of 2024

S.Vivek

.. Petitioner

-VS-

K.Shanmugapriya

.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the order dated 16.09.2022 passed in I.A.No.806 of 2021 in HMOP. No.19 of 2021 on the file of Family Court, Thiruppur.

For Petitioner : Mr.R.Ganesan

* * * * *



CRP No.4386 of 2024

WEB COPY

ORDER

This civil revision petition challenges the order passed by the learned Family Court at Thiruppur in I.A.No.806 of 2021 in H.M.O.P.No.19 of 2021 dated 16.09.2022.

2. The civil revision petitioner is the husband. H.M.O.P.No.19 of 2021 was filed by the wife seeking for divorce. Pending the said proceedings, she took out an application in I.A.No.806 of 2021 for a direction to the husband to pay a sum of Rs.15,000/- per month towards food, shelter and other essentials. The husband did not participate in the enquiry, which resulted in the Court passing an ex parte order on 16.09.2022. Challenging the same, the present civil revision petition.

3. Mr.Ganesan, learned counsel appearing for the petitioner, pleads that there is no other efficacious remedy under law available to the petitioner other than the civil revision petition challenging the order. I am not in agreement with Mr.Ganesan. In terms of Section 10(1) of the Family



CRP No.4386 of 2024

Courts Act, 1984, all the powers of the Civil Court have been vested with the Family Court. The Family Court is also deemed to be a Civil Court for the purpose of proceedings presented before it. If that be the declaration of law, then the civil revision petitioner is certainly entitled to move an application before the trial Court for the purpose of setting aside the ex parte order passed against him.

4. Leaving it open to the petitioner to move an appropriate application to set aside the ex parte order, this civil revision petition is dismissed. The time taken to prosecute this revision will stand excluded while filing the application under Section 5 of the Limitation Act. There shall be no order as to costs. Consequently, C.M.P.No.24415 of 2024 also stands dismissed.

30.10.2024

Index : Yes/No

Neutral Citation : Yes/No

sra



WEB COPY



CRP No.4386 of 2024

V.LAKSHMINARAYANAN, J.

(sra)

To

The Family Court at Thiruppur.

CRP No.4386 of 2024

30.10.2024