



C.R.P.(PD).No.4150 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.4150 of 2019

M.Manikandan

... Petitioner

vs.

Sundara Meenatchi @ Aarthy

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the impugned order dated 14.09.2017 made in I.A.No.1266 of 2017 in OP.No.4843 of 2015, on the file of the VII Additional Family Court, Chennai and allow this Civil Revision Petition.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.N.Senthil Kumar



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ORDER

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The learned counsel appearing for the respondent submits that the main Civil Revision Petition has become infructuous in view of the fact that main HMOP was already dismissed for default on 17.09.2018.

2. The learned counsel appearing for the petitioner submits that notwithstanding the dismissal of the main original petition, the petitioner is entitled to get along with Civil Revision Petition.

3. It is seen from records that the Civil Revision Petition was numbered even without petition to condone the delay in filing of the Civil Revision Petition, hence, this Court is not inclined to permit the petitioner to get along with the Civil Revision Petition. The learned counsel for the petitioner made an endorsement seeking leave of the Court to withdraw the Civil Revision Petition with liberty to file fresh Civil Revision Petition with condone delay petition.



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4. In view of the endorsement made by the learned counsel

appearing for the petitioner, this Civil Revision Petition is dismissed with liberty to file fresh one with proper application for condoning the delay in filing Civil Revision Petition. The condone delay petition filed by the petitioner is to be decided on its own merits. It is open to the respondent to make all objections regarding maintainability of the Civil Revision Petition, after disposal of the main original petition. No costs.

5. Registry is directed to return the original order to the learned counsel for the petitioner.

03.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The VII Additional Family Court,
Chennai.



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S.SOUNTHAR, J.

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