



C.R.P(MD)No.793 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.793 of 2024

T.Salai Sivakalaiarasi ...Petitioner/Respondent/Respondent

Vs.

A.S.Srinivasan ...Respondent/Petitioner/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the judgment and decree in I.A.No. 183 of 2020 in H.M.O.P.No.747 of 2019 dated 21.11.2022 on the file of the Family Court, Madurai.

For Petitioner : Mr.S.K.Muthamil Venthan

ORDER

This revision is filed to set aside the judgment and decree in I.A.No. 183 of 2020 in H.M.O.P.No.747 of 2019 dated 21.11.2022 on the file of the Family Court, Madurai.



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2. H.M.O.P.No.747 of 2019 was filed by the respondent/husband for nullity of marriage that is solemnized between the respondent and the petitioner on 18.03.2016. The respondent also filed I.A.No.183 of 2020 directing the revision petitioner to undergo medical examination and that application was allowed and ex-parte order has been passed against which the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the order was passed by the trial without giving any opportunity to the petitioner to file her counter affidavit and put forth her case. Hence, he prays for allowing this revision.

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

5. Admittedly, the petitioner remained ex-parte before the trial court and therefore, the petitioner can very well approach the



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concerned court to set aside the ex-parte order. Without approaching the concerned court, the petitioner has filed this revision. The petitioner is at liberty to file an appropriate application to set aside the ex-parte order. On filing such application, the same shall be considered by the trial court and dispose it on merits and in accordance with law.

6. Accordingly, this Civil Revision Petition is disposed of. No costs.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Family Court, Madurai.

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

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G. ILANGO VAN, J.

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