



C.M.A.No.2208 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

C.M.A.No.2208 of 2025

K.Revathi ... Appellant

-vs-

S.Karthick ... Respondent

PRAYER : Appeal against the order and decree, dated 07.11.2024, passed in I.A.No.2 of 2024 in H.M.O.P.No.1113 of 2023, on the file of IV Additional Principal Family Court, Chennai.

For Appellant : Mr.R.Bhagawat Krishna

For Respondent : Mr.M.Mohamed Yasin

JUDGMENT

(By C.V.Karthikeyan,J.)

The appellant is the petitioner in O.P.No.1113 of 2023, which has been filed under Section 13 (1) (i-a) of the Hindu Marriage Act,1955.



C.M.A.No.2208 of 2025

WEB COPY

2. We, consciously, would not enter into any discussion of the facts, including the filing of the stay petition or the allegations/statements made in the counter affidavit. We would only record that O.P.No.1113 of 2023 came to be dismissed for non-prosecution on 06.02.2024 before the trial Court. Thereafter, the appellant herein filed I.A.No.2 of 2024 to restore the Original Petition. A conditional order was passed by the trial Court on 30.10.2024, directing the appellant herein to pay costs of Rs.750/- for restoration. However, that particular costs were not paid. Therefore, on 07.11.2024, since the conditional order was not complied with, the interlocutory application filed under Order 9 Rule 9 of Code of Civil Procedure was dismissed, confirming the original order, dismissing the Original Petition for non-prosecution. Challenging that particular order, the present appeal has been filed.

3. In this appeal, earlier, a Division Bench of this Court has directed payment of costs of Rs.5,000/- by the appellant to the respondent, as a pre-condition to the respondent, for taking up the appeal for consideration. It is now informed that the said condition has been complied with and costs have been paid. Learned counsel for the respondent also acknowledged the receipt of costs.



C.M.A.No.2208 of 2025

WEB COPY

4. Naturally, the order, now under appeal, has to be interfered with and set aside and O.P.No.1113 of 2023 has to be restored back to the file of IV Additional Principal Family Court, Chennai.

5. Accordingly, this Civil Miscellaneous Appeal stands allowed and O.P.No.1113 of 2023 is remanded back to IV Additional Principal Family Court, Chennai, for adjudication on merits and in the manner known to law. No order as to costs.

dixit

(C.V.K.,J.)

(K.B.,J.)

04.12.2025

To

IV Additional Principal Family Court,
Chennai.



WEB COPY



C.M.A.No.2208 of 2025

C.V.KARTHIKEYAN,J.
AND
K.KUMARESH BABU, J.

dixit

C.M.A.No.2208 of 2025

04.12.2025