



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.07.2025

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.1995 of 2025
and C.M.P.No.11482 of 2025

Rajasaaisre

... Petitioner

Vs.

Raj Kumar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the Order and Decreetal order, dated 19.03.2025 made in I.A.No.01/2024 in H.M.O.P.No.123/2023 on the file of the Principal Family Judge, Coimbatore, consequently grant reasonable time to comply with the order, dated 04.03.2025 passed in I.A.No.01 of 2024 in HMOP No.123 of 2023.

For Petitioner : M/s.S.Ilamuhil

For Respondent : Mr.S.Lakshmi Narayanan

ORDER

The petitioner is the wife/respondent in HMOP No.123 of 2023. The respondent was set exparte in the said matrimonial proceedings and an application in I.A.No.01/2024 came to be filed to set aside the exparte order. The learned trial Court Judge in order to afford an opportunity to the petitioner/wife allowed the application, on condition that the petitioner pays a cost of Rs.2,000/- to the respondent husband. Admittedly, the

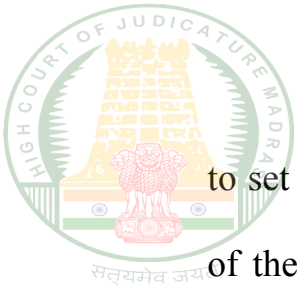


petitioner/wife did not comply with the said condition order which resulted in dismissal of I.A.No.01/2024. Challenging the said order, the petitioner/wife is before this Court.

2. The learned counsel for the petitioner states that the counsel who appeared for the petitioner/wife before the Family Court, did not inform the petitioner the condition imposed by the Family Court while allowing the application to set aside the exparte order and that was the reason why the condition could not be complied with.

3. Per contra, the learned counsel for the respondent/husband would state that the petitioner/wife had put the entire blame on the advocate who has appeared for her before the trial Court. She also placed reliance on the deicison of the Hon'ble Supreme Court in ***Rajneesh Kumar & Anr. Vs. Ved Prakash*** in ***S.L.P.(Civil) Nos.935-936 of 2021*** where the Hon'ble Supreme Court deprecated the practice of litigants blaming erstwhile advocates for their delay.

4. However, on a perusal of the facts of the present case, I find that there is no delay on the part of the petitioner approaching this Court seeking



to set aside the exparte order and in fact there is not much delay on the part of the advocate also. Moreover, even an exparte decree was never passed and what was sought to be set aside here is only an exparte order.

5. In the light of the above, I am inclined to grant an opportunity to the petitioner/wife to contest the HMOP proceedings on merits. However, to compensate the respondent before this Court, for the fault of the petitioner, I am inclined to impose an additional cost of Rs.3,000/- on the petitioner payable to the respondent, either before the trial Court or before this Court, within a period of two weeks from the date of receipt of a copy of this order.

6. Considering that the original petition is of the year 2023, the Principal Family Judge, Coimbatore is required to complete the pleadings in H.M.O.P.No.123/2023 within a period of six weeks from the date of receipt of a copy of this order and the trial in the Original Petition shall be expedited and the final orders shall be passed in accordance with law and on merits within a period of nine months thereafter.

P.B. BALAJI,J.

vum

7. With the above direction, this Civil Revision Petition is disposed of.



No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

15.07.2025

Speaking Order/Non-speaking Order
Index : Yes / No
Neutral Citation : Yes/No
vum

To

The Principal Family Judge, Coimbatore.

C.R.P.No.1995 of 2025
and C.M.P.No.11482 of 2025