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CRP No.2213 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No.2213 of 2025

Sekar

...Petitioner

Vs

Rajeswari

.. Respondent

Revision filed under Section 115 of Civil Procedure Code against the order and decretal order dated 17.03.2025 passed in I.A.No.13 of 2022 in HMOP No.18 of 2018 on the file of Sub Court, Thiruvarur.

For Petitioner : Mr.M.Tamizavel

For Respondent : Mr.V.S.Gnanasambanthan

ORDER

The revision petitioner is the husband. The husband filed O.P No.18 of 2018 for restitution of conjugal rights. The said OP No.18 of 2018 came to be dismissed for non-prosecution on 09.04.2021 and along with an application to condone the delay of 208 days in I.A.No.13 of 2022, the petitioner sought to set aside the order dismissing the OP No.18 of 2018 for default. The said application for condonation of delay was resisted by the



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respondent/wife and finding that the petitioner/husband has not made out sufficient cause, the learned Sub Judge, Thiruvarur dismissed I.A.No.13 of 2022. Aggrieved by the same, the present revision has been filed.

2.Learned counsel for the revision petitioner/husband submits that the petitioner has made out sufficient cause and explained the delay of 208 days and further OP No.18 of 2018 itself has been filed for restitution of conjugal rights and admittedly the respondent has not initiated any proceedings for dissolution of marriage and it was only proceedings for maintenance that were initiated by the respondent. Learned counsel would also state that Maintenance Case proceedings, order came to be passed by the Judicial Magistrate directing a sum of Rs.3,000/-(Rupees three thousand only) to be paid to the respondent/wife from 03.06.2014 onwards apart from a sum of Rs.2,500/-(Rupees Two thousand five hundred only) each to the minor children. Further, according to the learned counsel for the petitioner, a sum of Rs.1,92,000/-(Rupees One Lakh Ninety Two Thousand Only) has already been recovered from the salary of the revision petitioner which was by way of adjustment of Rs.8,000/-for a total of 24 months.

3. Learned counsel for the respondents however state that on the one



hand the petitioner seeks to restore OP No.18 of 2018 for restitution of conjugal rights, but on the other hand he has not complied with the maintenance ordered, in favour of the wife and the minor children. It is brought to my notice that both the children have attained majority now.

4. However, I am not going into the entitlement of the minors at this stage since the present application concerns only the respondent/wife insofar as it relates to the restitution of conjugal rights.

5. On going through the affidavit, filed in support of petition seeking to condone the delay and the counter affidavit as well as the order passed by the Sub Court, I find that the petitioner has made out sufficient cause explaining the delay of 208 days and the delay is also not inordinate. At the same time, the petitioner seeks equity and discretion to be exercised which cannot be done especially when it is brought to the notice of this court that he is arrears of maintenance awarded to the respondent/wife.

6. In the light of the above, I am inclined to allow the civil revision petition and the order passed in I.A.No.13 of 2022 dated 17.03.2025 is set

P.B.BALAJI.,J



SR

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aside subject to condition that the petitioner clears the maintenance arrears at the rate of Rs.3,000/-per month from June 2016 onwards till date amounting to Rs.3,39,000/-(Rupees Three Lakhs Thirty Nine thousand only) within a period of eight weeks from the date of receipt of a copy of this order.

7. It is made clear that no further extension of time shall be granted for the payment of the said sum of Rs.3,39,000/- and if the amount is not paid within a period of eight weeks from the date of receipt of a copy of this order, the order passed by the trial court in I.A.No.13 of 2022 shall stand confirmed. No costs.

31-10-2025

Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order

To
The Sub Court, Thiruvavur

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