



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.2335 & 2340 of 2025
& CMP.Nos.13937 & 13939 of 2025

Sakthivelavan

... Petitioner in both CRPs

Vs.

Dhanya

... Respondent in both CRPs

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the order dated 05.03.2025 made in I.A.Nos.3 & 4 of 2024 respectively for reopen in I.A.No.2 of 2024 in H.M.O.P.No.597 of 2023 on the file of the Principal Family Judge, Coimbatore.

For Petitioner : Mr.V.Chinnasamy in both CRPs

For Respondent : Mr.V.Devanathan in both CRPs

COMMON ORDER

These revisions have been filed at the instance of the husband, whose application under Order IX Rule 7 of CPC for setting aside the ex-parte order was allowed on payment of costs.



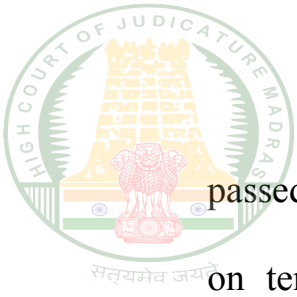
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2. Heard Mr.V.Chinnasamy, learned counsel for the petitioner and

Mr.V.Devanathan, learned counsel for the respondent.

3.It is seen that initially, in I.A.No.1 of 2024 a conditional order of payment of Rs.750/- was ordered for the petition to set aside the ex-parte order being allowed. However, the said application was dismissed for non compliance on 28.06.2024 and in order to restore that application, I.A.No.2 of 2024 was filed and the same was also allowed, subject to payment of costs of Rs.2,000/- on or before 28.06.2024. It is seen that even the said order has not been complied with and the third application filed for setting aside the order of dismissal of the Order IX Rule 7 application and the extension application have been dismissed by the Trial Court.

4.The Trial Court has taken note of the previous conduct of the petitioner in dismissing the third application. However, considering that HMOP is still pending for final adjudication, in the interest of both the parties, it would be desirable that the Family Court, Coimbatore, conducts trial on merits and disposes of the OP instead of an ex-parte order being



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passed in the matter. However, at the same time, the petitioner has to be put on terms considering that he has been in the habit of repeatedly non complying the conditional orders passed by the Family Court, Coimbatore.

5.In view of the above, the Civil Revision Petitions are allowed, subject to payment of a cost of Rs.4,000/- by the petitioner to the respondent, within a period of one week from today, failing which the Civil Revision Petitions will stand dismissed. Subject to payment of cost of Rs.4,000/- as indicated above, Civil Revision Petitions shall be disposed of with directions to the Family court, Coimbatore.

6.Post the matters on 06.08.2025, for reporting compliance.

30.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 31.07.2025.



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P.B. BALAJI,J.

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To
The Family Court, Coimbatore.

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