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CRP Nos.3020 & 3022 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP Nos.3020 & 3022 of 2024 & CMP.No.16252 of 2024

1. Prabhudass @ Prabhudass Kabirdass
S/o. G.Kabirdass, No.10, Thattara
Street, Karaikal Post, Karaikal-609 602,
Puducherry

Petitioner(s)

Vs

1. D.Divya
W/o. G.K.Prabudass, No.1/12,
Thulaisingam Street, Old
Washermenpet, Chennai-620 021

Respondent(s)

COMMON PRAYER : Petitions filed under Article 227 of Constitution of India to set aside the one line Order dated 14-06-2024 and the petition in I.A.No.1/2022 in OP.Nos. 4012 of 2014 and 3230 of 2017 (On the file of IV Addl.Principal Family Court, Chennai), may be allowed and the delay of 1185 and 1260 days in filing the setaside petition may be condoned on any condition and pass such other order as this Honourable Court

For Petitioner(s): M/s.A.Thiyagarajan [in both CRPs]

For Respondent(s): Mr.J.N.Nissar Ahmed [in both CRPs]

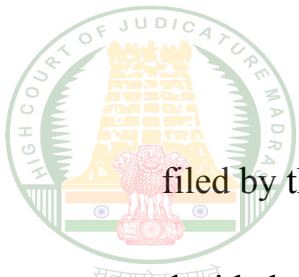


COMMON ORDER

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Challenge has been made by the revision petitioner/ husband over the Order of the trial Court directing him to pay a sum of Rs.9,46,414/- towards arrears of maintenance as on 08.02.2022 in the applications filed by him in the Original Petition in O.P.No.3230 of 2017 filed by the respondent/wife for restitution of conjugal rights, to condone the delay of 1185 days in filing an application to set aside the exparte Order passed against the petitioner and in the Original Petition in O.P.No.4012 of 2014 to condone the delay of 1260 days in filing an application to restore the petition filed by him for divorce which was dismissed for default, in the present Civil Revision Petitions.

2. The Original Petition in O.P.No.4012 of 2014 has been filed by the revision petitioner/husband for divorce on the ground of cruelty and desertion. The said Original Petition has been dismissed for default. An application to set restore the Original Petition has been filed along with an application to condone the delay of 1260 days. The Original Petition in O.P.No.3230 of 2017 has been

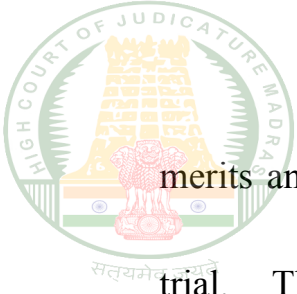


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filed by the wife for restitution of conjugal rights. The said application has been decided exparte. An application has been filed to aside the exparte Order along with an application to condone the delay of 1185 days. Both the applications were filed in I.A.Nos.1 of 2022. As arrears of maintenance has not been paid, the trial Court had directed the petitioner to pay a sum of Rs.9,46,414/- towards arrears of maintenance as on 08.02.2022 and the applications, in fact, have been allowed subject to the payment of the amount. During the pendency of the Civil Revision Petitions, the above amount has been paid by the revision petitioner.

3. In such view of the matter, these Civil Revision Petitions are allowed.

No costs. The trial Court is directed dispose of the application filed to set aside the exparte Order passed against the petitioner in the petition filed for restitution of conjugal rights and the application filed to restore the divorce filed by the revision petition within a period of one month from the date of receipt of a copy of this Order, and thereafter, dispose of the main Original Petition filed for restoration of conjugal rights as well as the Original Petition filed for divorce on



merits and in accordance with law within a period of three months, in a joint trial. The revision petitioner shall continue to pay monthly maintenance

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Ordered by the trial Court regularly. No costs.

30-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To,
The IV Additional Principal Judge,
Family Court, Chennai.



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N.SATHISH KUMAR, J.

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