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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI**CRP No. 5361 of 2024**

J.Kowsalya

Petitioner(s)

Vs

V.Srinivasan

Respondent(s)

PRAYER

Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, 1908, to set aside the fair and decretal order dated 27.08.2024 made in IA No.1 of 2022 in FCOP No. 487 of 2017 on the file of the Court of Family Judge, Salem and consequently allow the aforementioned application as prayed for by the petitioner herein/wife and pass such further or other order.

For Petitioner(s): Mr.J.Ramakrishnan

For Respondent(s): Mr.R.Nalliyappan
Mr.T. Mohanraju**ORDER**

The wife is the revision petitioner, aggrieved by the order in I.A.No.1 of 2022 dismissing an application to condone delay of 1234 days in filing the petition to set aside the decree for restitution of conjugal rights passed on 06.02.2019, against the petitioner and in favour of the respondent/husband.



2. The said condone delay application, after inquiry, was dismissed by the Family Court, Salem. Challenging the said order, the above revision has been filed. At the time of the revision being listed for admission, this Court passed the following order:

“This Civil Revision Petition has been filed to set aside the order dated 27.08.2024, whereby the application to condone the delay in filing the petition to set aside the ex parte decree was dismissed.

2. This Court is not convinced with the reasons assigned in the affidavit to interfere with the order of the Trial Court, as the reasons are highly improbable, deserve to be rejected and have no legs to stand on merits. However, taking note of the fact that the issue revolves around matrimonial dispute, this Court is inclined to issue notice to the respondent only to facilitate the parties to go for mediation and not otherwise.

3. Notice to the Respondent, returnable by 31.01.2025. Private Notice is also permitted.”

3. It appears that thereafter the parties have not been able to arrive at any amicable settlement.

4. The learned counsel for the respondent brings to my notice that the respondent has already filed a petition for dissolution of marriage, since the



petitioner has not come forward to comply with the decree for restitution of conjugal rights and same is pending before the Family Court, Salem.

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5. Mr.J.Ramakrishnan, learned counsel for the petitioner states that the petitioner/wife even today is ready and willing to join the respondent/husband and therefore, seek for liberty to take appropriate steps to further her intentions to restore the matrimonial home.

6. Having already found by this Court, even at the time of admission, that the order of the Trial Court dismissing the application to condone the delay of 1234 days does not suffer from any infirmity or perversity, warranting interference in this revision and despite sufficient opportunities being given to the petitioner to settle the matter, she has not been able to come to any amicable arrangement with the respondent/husband.

5. Today admittedly the respondent has also moved for divorce and the said O.P. is pending. Therefore, I do not see any merit or much less any infirmity in the order passed by the Trial Court, warranting interference in the revision. It is always open to the petitioner to take out appropriate application under Section 9 under Hindu Marriage Act, 1955, if the petitioner really wants to rejoin the husband and restore the matrimonial home.



6. With these observations, the Civil Revision Petition stands dismissed.

No costs.

10-12-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Jeni

To

The Family Court, Salem.



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P.B.BALAJI J.

Jeni

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