



CRP.No.4492 of 2025 and CmP.No.22884 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M. JOTHIRAMAN

CRP.No.4492 of 2025

and

C.M.P.No.22884 of 2025

U.Jambukumar

... Petitioner / Respondent / Petitioner

Versus

Khushbu

... Respondent / Petitioner / Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 03.04.2025 passed in I.A.No.2 of 2024 in H.M.O.P.No.4633 of 2021 on the file of Hon'ble III Additional Principal Family Court, Chennai.

For Petitioner : Mr.S.S.Santhosakumar

ORDER

Unsuccessful petitioner / husband has preferred the present Civil Revision Petition.



2. The revision petitioner / husband has filed a divorce petition under Section 13 (1) (i-a) of the Hindu Marriage Act on the ground of cruelty in H.M.O.P.No.4633 of 2021 on the file of the learned III Additional Principal Judge, Family Court, Chennai. The respondent / wife did not appear before the Court below and set ex parte on 16.05.2022. Subsequently, the respondent / wife filed an application in I.A.No.2 of 2024 under Order IX Rule 7 read with Rule 13 of the CPC, to set aside the *ex parte* order dated 16.05.2022. Upon hearing either side, the Court below, *vide* order dated 03.04.2025, allowed the application on the ground that an opportunity should be given to the respondent / wife to contest the H.M.O.P. on merits and allowed the petition on the condition that she shall pay a sum of Rs.2,000/-. Aggrieved over the same, the revision petitioner / husband has preferred the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner would submit that the Court below failed to note that the respondent / wife's permanent address is No.127, Navlakha Road, Prakash Nagar, Indore, Madhya Pradesh, and the same was reflected in her Aadhar card. The said address was also mentioned in H.M.O.P.No.4633 of 2021. The Court below failed to consider that the



respondent was residing at the address mentioned in the divorce petition.

Therefore, the revision petitioner had sent the notice to the correct address where the respondent / wife was residing. The Counter affidavit filed by the respondent / wife contains false allegations stating that she had not received any notice and that the address mentioned was wrong. These allegations are absolutely false. Therefore, the Trial Court ought to have considered the same while deciding the petition filed by the respondent / wife. The learned counsel further submits that the respondent / wife failed to comply with the condition imposed by the Court below to pay the cost of Rs.2,000/- on or before 20.05.2025, and had belatedly deposited the amount in the Court only on 25.05.2025, which is contrary to the order passed by the Court below.

4. It is seen from the records that the revision petitioner / husband filed a petition for divorce on the ground of cruelty, and the same was decreed *ex parte*. It is also noted that the revision petitioner did not effect paper publication in a proper manner. Further, the Court notice sent to the petitioner was returned with the endorsement " left".

5. In order to decide the real controversy between the parties, one more



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opportunity is granted to the respondent / wife to contest the case.

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6. In view of the above, there is no reason to interfere with the order passed in I.A.No.2 of 2024 in H.M.O.P.No.4633 of 2021, dated 03.04.2025, on the file of learned III Additional Principal Family Court, Chennai. However, it is made clear that the respondent / wife shall pay the costs as ordered by the Court below, and the revision petitioner/ husband is permitted to withdraw the amount already deposited if any.

7. Accordingly, this Civil Revision petition is dismissed. The learned III Additional Principal Family Court, Chennai, is requested to dispose of the H.M.O.P.No.4633 of 2021, in a manner known to law, as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

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The learned III Additional Principal Family Court,
Chennai.

M. JOTHIRAMAN, J.



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