



CRP NPD.No.5248 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 02.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD No.5248 of 2024 & CMP.No.29360 of 2024

Raja

. . . Petitioner

Versus

Madura

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the Order made in I.A.No.33 of 2023 in O.P.No.53 of 2020 dated 01.03.2024 on the file of the Subordinate Judge, Neyveli.

For petitioner : Mr.Vijayakumar N

ORDER

Challenging the returning of the application filed to extend time for payment of cost and consequently dismissal of the application filed to restore the original petition file for divorce, the present Civil Revision Petition has been filed.

2. Brief back ground of the case is as follows :



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The petitioner originally filed a petition for divorce in O.P.No.53 of 2020 which was dismissed for default on 11.01.2022. Therefore, he filed an application to restore the divorce petition in I.A.No.33 of 2023 and the same was allowed on 01.03.2024 subject to payment of cost of Rs.25,000/- by the petitioner on or before 22.03.2024. Thereafter, it appears that the petitioner has filed an application for extension of time to pay the cost. The said application has been returned and the application filed under Order IX Rule 9 of Code of Civil Procedure has also been dismissed for failure of payment of costs. Challenging the same, the present revision has been filed.

3. The main contention of the revision petitioner is that he is ready to comply the Order of the trial Court and hence, one more opportunity may be given to him to comply the Order.

4. Admittedly, the application for extension of time for payment of cost has been returned and hence, the application filed to restore the divorce petition has been dismissed on the ground that the cost has not been paid.



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Now the petitioner is ready to pay the cost. Hence, one more opportunity has to be given to the petitioner to contest the matter on merits.

5. Accordingly, this Civil Revision Petition is allowed and the petitioner is granted two weeks time, from the date of receipt of a copy of this Order, to pay the amount ordered by the trial Court. If the respondent refuses to receive the amount, the cost may be deposited to the credit of the Original Petition. On such payment, the learned Subordinate Judge shall decide the divorce petition on merits. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

VRC

To,
The Subordinate Judge,
Neyveli.

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N. SATHISH KUMAR, J.

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