



WEB COPY



CRP.No.6230 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.6230 of 2025 and
CMP.No.31060 of 2025

1.K.Sathish
2. K.Kala

... Petitioners

Vs.

K.Saraswathy

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the order dated 25-11-2024 made in Crl.M.P.No.964 of 2024 in DVC.No.4 of 2024, on the file of the Addl.Mahila Court, Egmore at Chennai.

For Petitioners

: Mr.R.Rajadurai

ORDER

The Civil Revision Petition is filed challenging the order passed by the Additional Mahila Court, Egmore, Chennai dismissing the application filed by the petitioners seeking to set aside the ex-parte order.



2. The respondent herein preferred a complaint under the provisions of Domestic Violence Act against the petitioners. Since the 1st petitioner/husband failed to appear on 06-07-2024, he was set ex-parte. Then, the application was filed by the petitioners on 19-08-2024 seeking to set aside the ex-parte order. The said application was allowed by the court below on 29-10-2024 on payment of cost of Rs.2000/-. Since the condition was not complied by the petitioner on the next hearing date i.e., 25-11-2024, the petition was dismissed mentioning non-compliance. Aggrieved by the same, the petitioners have come before this court.

3. Since the petitioners failed to comply with the earlier conditional order, the court had no other option but to dismiss the application. Therefore, we cannot find fault with the order passed by the court below dismissing the application to set aside the ex-parte order.

4. The learned counsel for the petitioners submitted that due to lack of proper communication from his advocate, his ill health and financial difficulties, he could not follow his case and comply the conditions in time. If the petitioners were prevented from complying with the condition due to sufficient cause, it is for them to file an appropriate application before the



CRP.No.6230 of 2025

concerned court seeking extension of time giving reason for their failure to comply with the condition in time. Instead of adopting such procedure, the petitioners are not entitled to challenge the order passed by the court below dismissing the application for non-compliance. It is settled law the petition for extension of time is very well maintainable even after expiry of time fixed by court earlier.

5. Therefore, the Civil Revision Petition is dismissed with liberty to the petitioners to file appropriate application before the concerned court seeking extension of time. If any such application is filed, the same shall be considered by the court below on its own merits after hearing either side. No costs.

11.12.2025

Index : Yes / No
Internet : Yes / No
nr

To
The Additional Mahila Court, Egmore at Chennai.



WEB COPY



CRP.No.6230 of 2025
S.SOUNTHAR, J.

nr

CRP.No.6230 of 2025 and
CMP.No.31060 of 2025

11.12.2025