



C.R.P.(NPD)(MD)No.850 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.850 of 2025

and

C.M.P(MD)No.4511 of 2025

Saravanan

...Petitioner/Petitioner/1st Respondent

Vs.

Kalliammal

...Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the order dated 13.12.2024 CMP SR No.5313 of 2024 in D.V.C.No.14 of 2023 on the file of the Judicial Magistrate No.I, Kulithalai, and number the same by allowing the present Civil Revision Petition.

For Petitioner : Mr.M.Saravanan

* * * * *

ORDER

The Respondent in D.V.C.No.14 of 2023, on the file of the learned Judicial Magistrate No.1, Kulithalai, has filed the present revision petition, challenging the order of the trial Court wherein the application filed by the petitioner to set aside the ex-parte order has been returned as not maintainable.



C.R.P.(NPD)(MD)No.850 of 2025

WEB COPY

2.The respondent herein has filed the above said D.V.C.No.14 of 2023, for various reliefs. The petitioner/husband herein was set aside ex-parte on 09.08.2024. The ex-parte orders were passed in D.V.C.No.14 of 2023 on 23.08.2024. The present application in C.M.P.SR.No.5313 of 2024 has been filed on 11.12.2024 to set aside the ex-parte order, dated 09.08.2024. This application has been returned by the Court on the ground that the application to set aside the ex-parte order is maintainable only till the main petition is pending. Since the main petition had already been disposed of on 23.08.2024, the Court has proceeded to return the said application. Challenging the same, the present revision petition has been filed.

3.The dates and events captured above will clearly indicate that the petitioner/husband has filed an application to set aside the ex-parte order, dated 09.08.2024, after the main petition has been disposed of on 23.08.2024. Therefore, this Court does not find any error in the order passed by the learned Judicial Magistrate No.I, Kulithalai. Accordingly, this Revision Petition stands disposed of with liberty to the revision petitioner to seek an order to set aside the order dated 23.08.2024, if he is so advised.



C.R.P.(NPD)(MD)No.850 of 2025

WEB COPY

4. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

17.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Judicial Magistrate No.I, Kulithalai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P.(NPD)(MD)No.850 of 2025

R.VIJAYAKUMAR, J.

RJR

C.R.P.(NPD)(MD)No.850 of 2025

17.03.2025