

C.R.P.(MD)No.1043 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)No.1043 of 2025

Nathiya

...Petitioner

Vs.

Arun

...Respondent

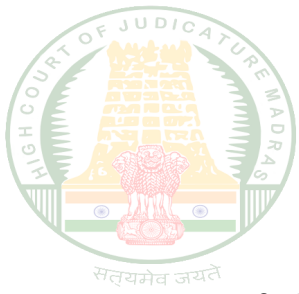
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this Civil Revision Petition by setting aside the Docket Order in I.A.No.1 of 2024 in HMOP No.7 of 2022 dated 19.11.2024, on the file of the Principal Sub Court, Pudukkottai.

For Petitioner : Mr.N.Balakrishnan

For Respondent : Mr.D.Ramesh Kumar

ORDER

This petition has been filed seeking to set aside the Docket Order in I.A.No.1 of 2024 in HMOP No.7 of 2022 dated 19.11.2024, on the file of the Principal Sub Court, Pudukkottai.

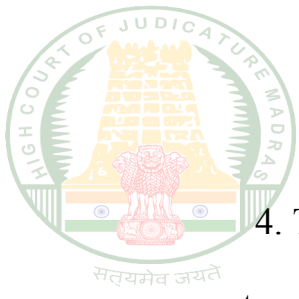


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2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 26.10.2020. Subsequently, there was a matrimonial dispute in between them, thereby the respondent filed H.M.O.P.No. 7 of 2022 before the Sub Court, Pudukkottai seeking divorce. In the divorce petition an ex-parte order was passed on 04.08.2023. The petitioner filed I.A.No.1 of 2023 seeking to set aside the ex-parte order. The said petition was allowed on cost of Rs.500/-. For non-payment of cost by the petitioner, I.A.No. 1 of 2023 was dismissed on 22.09.2023 and ex-parte judgment was passed on 29.09.2023. Thereafter, I.A.No.1 of 2024 was filed by the petitioner to set aside the ex-parte decree on 04.10.2023. The said application was dismissed on 19.11.2024. Challenging the same, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner would submit that application filed to set aside the ex-parte order was dismissed for non-payment of costs. Now, the petitioner is ready and willing to pay the reasonable costs. This Court may issue direction to the trial Court to allow the restoration petition and to dispose the HMOP on merits and in accordance with law.



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4. The learned counsel appearing for the respondent would submit that an exparte order was passed on 04.08.2023 for non-filing of the counter. Against which, the petitioner filed I.A.No.1 of 2023 and the same was allowed on payment of cost of Rs.500/-. Subsequently, the said application was dismissed on the ground that the petitioner has not paid the costs. Thereafter, the petitioner filed I.A.No.1 of 2024 to set aside the ex-parte order and the same was also dismissed.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. Considering the above facts and circumstances of the case and also considering the fact the opportunity has to be given to the petitioner to contest the case on merits, this Court is inclined to allow the Civil Revision Petition with reasonable cost.

7. Accordingly, this Civil Revision Petition is allowed and the petitioner is directed to pay the cost of Rs.1,000/- to the credit of I.A.No.1 of 2024, on the file of the Principal Sub-Court, Pudukkottai, within a period of one week from the date of receipt of a copy of this order. On such deposit being made, the the



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learned Principal Sub-Court, restore the H.M.O.P.No.7 of 2022 and to dispose of the same after giving opportunity to the petitioner and the respondent. The trial Court is directed to disburse the cost amount to the respondent/husband.

No costs.

15.07.2025

Internet: Yes/No

Index: Yes/No

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To

- 1.The Principal Sub Court,
Pudukkottai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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