



CRP(MD). No.1328 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 10/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.1328 of 2023

Palaniammal

... Petitioner

Vs

K.Kannan

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of Constitution of India, against the order and decreetal order dated 14.09.2022 in IA No.90/2018 in HMOP No.134/2012 on the file of the Sub Court, Uthammapalayam.

For Petitioner : Mr.C.Ramesh
For Respondent : Mr.R.Pon Karthikeyan

ORDER

This Civil Revision Petition is filed against the order and decreetal order dated 14.09.2022 in IA No.90/2018 in HMOP No.134/2012 on the file of the Sub Court, Uthammapalayam.



CRP(MD). No.1328 of 2023

WEB COPY

2. The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 21.02.2007 and they were blessed with a female child and due to matrimonial discard, the respondent filed a petition for divorce in HMOP No.134/2012 and the same was decreed exparte in favour of the respondent on 04.01.2014 against which, the petitioner filed IA No.99/2018 with a delay of six years to set aside the exparte decree and the same was dismissed vide order dated 20.09.2024. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner filed restitution of conjugal rights on the file of the Sub Court, Uthammapalayam and the same is pending. In the interregnum, the petitioner also filed maintenance case in MC No.9/2008 and the trial Court passed an order of interim maintenance and there are arrears and the respondent has not yet married. For all these reasons, the learned counsel prays that since the petition for restitution of conjugal rights is pending and in order to give a chance to the petitioner, HMOP No. 134/2012 is to be restored and tried along with the petition filed for restitution of conjugal rights and hence, prays for interference.



CRP(MD), No.1328 of 2023

3. The learned counsel for the respondent would however submit that the petitioner appeared through a counsel in HMOP No.134/2012 and subsequently on the hearing date, no one appeared and hence, exparte order came to be passed and a divorce was granted and for the past 18 years, the petitioner and the respondent are judicial separated and after lapse of several years allowing to restore the HMOP will create prejudice to the respondent and hence, prays for dismissal.

4. I have considered the rival submissions and perused the materials available on record.

5. It is seen that the petition filed for divorce was decreed exparte and the petition filed by the petitioner for restitution of conjugal rights is also pending. In order to give a quietus to the issue and to try both the petitions by hearing the parties and to come to a conclusion, it is just and necessary to set aside the order of the trial Court in IA No.90/2018. Accordingly, the Civil Revision Petition is allowed and the order dated 14.09.2022 is set aside and HMOP No.134/2012 is restored to its file. The trial Court is directed to club both the petitions and dispose the same



CRP(MD). No.1328 of 2023

as expeditiously as possible, preferably within a period of six months
from the date of receipt of a copy of this order. No costs.

10.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Sub Court, Uthammapalayam.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRP(MD). No.1328 of 2023

M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1328 of 2023**

Date : 10/07/2025