



CRP(MD). No.1850 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.1850 of 2021

Suja Rani

... Petitioner

Vs

Jeganathan

Now Working, Junior Assistant,

Deputy Director of Horticulture, Korampal.

... Respondent

PRAYER :- Civil Revision Petition is filed under Section 115 of the Civil Procedure Code against the fair and decreetal order, dated 24-09-2021 passed in I.A.No.5 of 2021 in I.A.No.2 of 2019 in H.M.O.P.No.43 of 2018 on the file of the Family judge, Tirunelveli.

For Petitioner : Mr.R.M.Suresh

For Respondents : Mr.B.N.Raja Mohamed

ORDER

This Civil Revision Petition is filed against against the fair and decreetal order, dated 24-09-2021 passed in I.A.No.5 of 2021 in I.A.No.2 of 2019 in H.M.O.P.No.43 of 2018 on the file of the Family Judge, Tirunelveli.



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2. The petitioner is the wife and the respondent is the husband. The respondent filed HMOP No.43/2018 for divorce and the petitioner filed HMOP No.190 of 2018 for restitution of conjugal rights and an exparte order was passed by dismissing the restitution of conjugal rights petition and by granting a decree of divorce. Against the exparte decree, the petitioner filed IA No.2/2021 to set aside the exparte decree, which was dismissed for default on 11.12.2020. Therefore, the petitioner filed IA No.5/2021 for condoning the delay of 157 days in filing the petition to restore IA No.2/2019, which came to be dismissed. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the delay is only 157 days. However the interlocutory application to set aside the exparte decree was filed in time and there is no delay and hence, by allowing IA No.5/2021, no prejudice would be caused to the respondent and prays for appropriate direction. He would further submit that this Court may issue a direction to the trial Court to condone the delay of 157 days.



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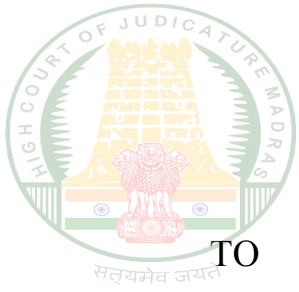
4. The learned counsel for the respondent would however submit that after considering the conduct of the parties, the trial Court dismissed the petition for default. Hence, he prays for dismissal.

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

6. In view of the above submission, this Court is of the view that since the application in IA No.2/2019 was filed in time and the same was dismissed for default and thereafter there occurred a delay of 157 days in filing the application to set aside the said dismissal and that the delay has been properly explained and hence, in order to give an opportunity to the parties and in the interest of justice, the order in IA No.5/2021 stands set aside and the Civil Revision Petition is allowed. The trial Court is directed to dispose of the HMOP No.43 of 2018 within a period of six months from the date of receipt of a copy of this order. No costs.

12.08.2025

NCC : Yes/No
Index : Yes/No
RR



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TO

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1.The Family Court, Tirunelveli

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.1850 of 2021**

Date : 12/08/2025