



C.R.P.(NPD) (MD)No.2103 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(NPD)(MD)No.2103 of 2024

Mugilarasan

... Petitioner/Petitioner
Petitioner

Vs.

Maheswari

... Respondent/Respondent/
Respondent

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., to set aside the fair order and executable order dated 10.04.2024, made in I.A.No.01 of 2022 in H.M.O.P.No.16 of 2012 on the file of the Family Court, Sivagangai.

For Petitioner : Mr.R.Suriya Narayanan

ORDER

This Civil Revision Petition is filed challenging the fair and executable order dated 10.04.2024, made in I.A.No.01 of 2022 in H.M.O.P.No.16 of 2012 on the file of the Family Court, Sivagangai.

2.The petitioner is the citizen of Singapore. He married the respondent, who is an Indian citizen in the year 2000 and they blessed with two children.



Thereafter, there was a matrimonial dispute between the petitioner and the respondent. Thereby, the petitioner filed a divorce petition in H.M.O.P.No.16 of 2012. The said petition was dismissed for default on account of non-appearance of the petitioner before the trial Court. Thereafter, the petitioner has filed an application to set aside the said *ex-parte* decree with the delay of 1947 days. The said petition was dismissed. Challenging the same, the petitioner has filed this petition.

3.The learned counsel for the petitioner submits that the petitioner filed the divorce petition in the year 2012. Since he is a Singapore citizen, the petitioner was not able to attend the Court hearings. Hence, the divorce petition was dismissed for non-appearance of the petitioner. Now only, the petitioner came to India and came to know about the dismissal of the divorce petition filed by him. Hence, the petitioner has filed the present petition to condone the delay in filing an application to set aside the *ex-parte* decree.

4.Though this Civil Revision Petition is filed in the year 2024, the petitioner has not taken any steps to serve notice on the respondent. However, considering the pendency of this petition, this Court is inclined to dispose of this petition based on the available records.



C.R.P.(NPD) (MD)No.2103 of 2024

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5. Admittedly, the petition filed by the petitioner for divorce was dismissed for default in the year 2016, since the petitioner has not appeared before the trial Court at the time of trial. Thereafter, the petitioner has filed an application to restore the said petition after a lapse of seven years in the year 2022. Further, the petitioner has not given any acceptable reasons for such huge and inordinate delay. Hence, the trial Court has rightly dismissed the application filed by the petitioner and the same need not be interfered.

6. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

08.07.2025

Index : Yes/No
Internet : Yes / No
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To

1. The Family Court,
Sivagangai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(NPD) (MD)No.2103 of 2024

M.DHANDAPANI,J.

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