



C.R.P.(MD)No.2246 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)No.2246 of 2023

Esakkirani

... Petitioner

Vs.

Suresh

... Respondent

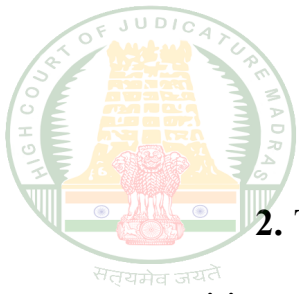
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decretal order dated 23.05.2023 in I.A.No.5 of 2023 in I.A.No.4 of 2019 in H.M.O.P.No.251 of 2018, on the file of the Family Court, Tirunelveli and allow the Civil Revision Petition.

For Petitioner : Mr.M.Prabu

For Respondent : Unserved

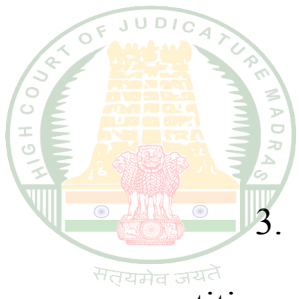
ORDER

This petition has been filed seeking to set aside the fair and decretal order dated 23.05.2023 in I.A.No.5 of 2023 in I.A.No.4 of 2019 in H.M.O.P.No.251 of 2018, on the file of the Family Court, Tirunelveli



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2. The learned counsel appearing for the petitioner would submit that the petitioner herein is the respondent in H.M.O.P.No.251 of 2018. The respondent herein has filed H.M.O.P.No.251 of 2018 seeking divorce, in which, the petitioner has not appeared before the trial Court thereby, ex parte decree was granted on 06.08.2019. The petitioner has filed an application in I.A.No.4 of 2019 to condone the delay of 67 days to set aside the ex-parte decree. In the meantime, the petitioner filed D.V.C.No.1 of 2019 before the Judicial Magistrate, Cheranmahadevi as against the respondent and the same is pending. Thereafter, for non-payment of patta, the said I.A.No.4 of 2019 has also been dismissed on 22.01.2020. The petitioner's mother suffered with illness and took treatment at Madurai Rajaji Hospital for three months and the petitioner looked after her by staying along with her and hence, the petitioner could not take steps to restore the above said petition. Thereafter, the petitioner filed I.A.No.5 of 2023 to condone the delay of 986 days in filing the petition to restore the I.A.No.4 of 2019, which was dismissed for default on 22.01.2020. The learned Family Judge, Tirunelveli has dismissed the application on 23.05.2023. Challenging the same, the petitioner has filed the present Civil Revision Petition.



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3. Though the Civil Revision Petition is filed in the year of 2023, the petitioner has not taken any steps to serve notice on the respondent.

4. On perusal of the entire records reveals that an ex-parte decree was granted in favour of the respondent on 06.08.2019, subsequently, the respondent claims that he performed second marriage with the petitioner's paternal uncle's daughter on 14.12.2021, whereas the present condone delay petition is filed only in the year 2023, after a lapse of two years. The petitioner very well aware of the second marriage of the respondent and the said marriage was performed with the petitioner's paternal uncle's daughter. When such being the position, after a lapse of two years by filing the condone delay petition to restore the I.A.No.4 of 2019 is not acceptable one. The trial Court, after considering the evidence on record, has rightly dismissed the application, which needs no interference.

5. Accordingly. the Civil Revision Petition is dismissed. No costs.

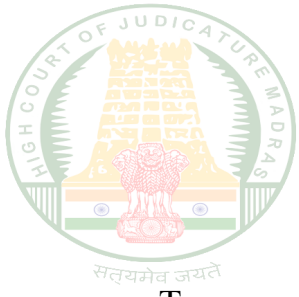
11.07.2025

Internet:Yes/No

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To
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- 1.The Family Court,
Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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