



WEB COPY

CRP No. 1048 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1048 of 2026

AND

CMP No. 5592 of 2026

J.Rakshana
W/o. R.Yukesh Kumar,
Flat No.4, 8/2, Vallabhai Patel Street,
Periyasekkadu,
Manali, Chennai-600 051.

..Petitioner(s)

Vs

R.Yukesh Kumar
S/o. Rajendran,
No.1113, 18th Central Cross Street,
MKB Nagar, Vyasarpadi,
Chennai-600 039.

..Respondent(s)

CMP No. 5592 of 2026

J.Rakshana
W/o. R.Yukesh Kumar,
Flat No.4, 8/2, Vallabhai Patel Street,
Periyasekkadu,
Manali, Chennai-600 051.

..Appellant(s)

Vs

R.Yukesh Kumar
S/o. Rajendran,
No.1113, 18th Central Cross Street,
MKB Nagar, Vyasarpadi,
Chennai-600 039.

..Respondent(s)

**CRP No. 1048 of 2026**

To set aside the fair and decreetal order in IA.No.1/2025 in OP.No. 648/2025 dated 13.11.2025 on the file of the Honble V Addl. Family Court, Chennai.

CMP No. 5592 of 2026

To stay all proceedings in OP.No. 648/2025 on the file of the Honble V Addl. Family Court, Chennai.

CRP No. 1048 of 2026

For Petitioner(s): Mr.V.Muthu Pandi

For Respondent(s): MR.V.K.Sathiamurthy

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 13.11.2025 in I.A.No.1 of 2025 in O.P.No. 648 of 2025 on the file of the Hon'ble V Addl. Family Court, Chennai.

2. The learned counsel for the petitioner would submit that the respondent/husband has filed divorce petition in HMOP No.648 of 2025 against the petitioner before the Family Court, Chennai. The aforesaid case was posted on 09.07.2025 for filing counter. The petitioner could not file the counter by that time since the erstwhile petitioner's counsel did not inform about the hearing and failed to file counter. Hence, the Family Court passed the Ex-parte



order dated 09.07.2025 in HMOP No.648 of 2025. Since the petitioner is taking care of her 2 year old daughter, she could not proceed with the case on time.

However, the petitioner has filed I.A. No.1 of 2025 to set aside the exparte order passed by the Family Court, Chennai. The Family Court without considering the aforesaid fact, erroneously dismissed the aforesaid application. Hence, he seeks to set aside the aforesaid order passed by the Trial Court.

3.The learned counsel for the respondent would submit that after attending the mediation, the petitioner was present on 09.06.2025 before the Family Court, Chennai and on that day, she was informed about the next hearing date. However, the petitioner failed to file counter and appear before the Family Court either in person or through counsel by 09.07.2025. Hence, the Trial Court after considering the facts and circumstances of the case and submissions made by the learned counsel on either side, rightly dismissed the aforesaid application. Hence, this Civil Revision Petition is liable to be set aside.

4. Heard both sides and perused the materials available on record.

5. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, it is seen that the petitioner is taking care of her 2 year old daughter and due to lack of



communication with her erstwhile counsel, she could not file the counter by 09.07.2025. It is an admitted fact that the ex-parte order can lead to immediate, irreparable damage to the respondent's right. Further, the Trial Court cannot decide the Matrimonial case without giving an opportunity to the petitioner to offer her explanation and contentions as doing so violates the principles of natural justice and fair hearing. Hence, this Court is inclined to set aside the order dated 13.11.2025 passed by the Family Court and to allow this Civil Revision petition. Further, both parties are directed to co-operate with the Trial proceedings and the Trial Court is hereby directed to dispose of the HMOP No.648 of 2025 as early as possible.

6. In the result, impugned order is set aside. This Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

17-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Lbm



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T.V.THAMILSELVI J.

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