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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Civil Revision Petition No. 1867 of 2024

Maheswari
W/o.Perumal, D.No.2/1, Syed Jalal
Khan St, Fort, Salem 636 001.

Petitioner(s)

Vs

Perumal
S/o.Madesh, Working as Head Master,
Govt. High School, Vellapatty,
Pethanaicken Palayam, Salem District.

Respondent(s)

PRAYER

Petition filed under Section 115 of C.P.C., to set aside the fair and decretal order passed by the learned Family Court Judge, Salem in IA.No.2/2022 in HMOP.No. 312/2020 dated 10.1.2024.

For Petitioner(s): Mr. M. Arun

For Respondent(s): No Appearance



ORDER

Before the trial Court, the wife filed IA.No.2 of 2022, praying to condone the delay of 348 days in filing a petition to set aside the *ex parte* order dated 08.11.2021 passed in HMOP.No.312 of 2020 filed by the husband seeking divorce, which came to be allowed. The said IA.No.2 of 2022 was dismissed by the trial Court, by an order dated 10.01.2024, holding that the wife has not stated any proper reasons for her non-appearance in the HMOP proceedings, challenging which, this revision petition has been filed by the wife.

2.While dismissing the I.A.No.2 of 2022, the trial Court observed that the husband got remarried on 17.6.2022. But, as per the affidavit averments of the wife, the wife was not communicated with proper particulars with regard to the stage of the proceedings and therefore, she was not able to appear before the trial Court and later, came to know from her relatives about the *ex parte* decree of divorce dated 08.11.2021. It is seen that, the divorce petition filed by the husband was taken on file on 09.10.2020 and on the same day, notice was ordered to the respondent/wife through Court and post, fixing the hearing date as 10.11.2020. Though notice was served on the wife, she was not present. Hence, the case was posted for appearance of the parties on 21.01.2021. Thereafter, the case was adjourned for several hearings for the appearance of the wife. Due to COVID pandemic, she had not appeared. Finally, the trial Court passed an *ex parte* decree of divorce on 08.11.2021.



3. Considering the fact that the *ex parte* order was passed during COVID pandemic, this Court is inclined to set aside the order dated 10.01.2024 passed by the trial Court in IA.No.2 of 2022 in HMOP.No.312 of 2020. Accordingly, the same is set aside and the Civil Revision Petition stands allowed. No costs.

09-03-2026

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

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To

Family Court Judge, Salem.



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T.V.THAMILSELVI J.

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