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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 1546 & 1547 of 2024
and
CMP No. 8292 of 2024

Case QR

CNR: {HCMA012291582023}

In both the CRPs:

Viswanathan
S/o. Kuppusamy,
No. 2A, Mayalayamman Street,
Thiyagaduruvam Nagar, Kallakuruchi Taluk,
Kallakuruchi District.

...Petitioner

Vs

Radhika
W/o. Viswanathan,
No. 2A, Mayalayamman Street,
Thiyagaduruvam Nagar,
Kallakuruchi Taluk,
Kallakuruchi District.

...Respondent

PRAYER in WP No.1546 of 2024: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in IA No. 2 of 2022 in HMOP No. 131 of 2020 dated 05.08.2023 on the file of the Principal Subordinate Court, Kallakuruchi and allowed the CRP.

PRAYER in WP No.1547 of 2024: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.45 of 2023 in HMOP No. 131 of 2020 dated 05.08.2023 on the file of the Principal Subordinate Court, Kallakuruchi and allowed the CRP.

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In both the CRPs:

For Petitioner: Mr.G.Ranganathan

For Respondent: Mr. Krishnasamy Chinasamy
Ms. M. Hemalatha

COMMON ORDER

These two Civil Revision Petitions have been filed under Article 227 of the Constitution of India against the fair and decretal order passed in I.A. Nos.2 of 2022 & 45 of 2023 in H.M.O.P. No. 131 of 2020 on the file of the Principal Subordinate Court, Kallakurichi, dated 05.08.2023, wherein the applications filed by the respondent/wife to condone the delay of 253 days in filing the application to set aside the *ex parte* decree and to set aside the *ex parte* decree, respectively, came to be allowed by the Court below.

2. Heard the learned counsel appearing for the petitioner and the respondent.

3. The petitioner/husband has filed a petition seeking for dissolution of the marriage. The respondent/wife was set *ex parte* and the *ex parte* order came to be passed. The respondent filed I.A. No. 2 of 2022 under Section 5 of the Limitation Act to condone the delay of 253 days in filing the application to set aside the *ex parte* order and I.A.No.45 of 2023 under Order IX Rule 13 of the C.P.C. to set aside the *ex parte* decree. These applications came to be allowed

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by the Court below. Aggrieved by the same, the present Civil Revision Petitions have been filed before this Court.

4. In the considered view of this Court, the Court below has exercised its discretion to condone the delay and to set aside the *ex parte* decree and the same does not warrant the interference of this Court. Hence, the orders passed by the Court below are sustained.

5. These two Civil Revision Petitions are disposed of with a direction to the Principal Subordinate Court, Kallakurichi to dispose of HMOP No. 131 of 2020 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

18-11-2026

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

rya / kj

To:-
The Principal Subordinate Judge,
Kallakuruchi.

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N.ANAND VENKATESH, J.

rya / kj

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