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CRP No. 2364 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

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

CRP No. 2364 of 2026 & 2401 of 2026

and

CMP No.10287 of 2026

G.Remya
D/o. S.Ganesan,
No.178, Royapettah High Road,
Rangaiah Garden, Mylapore, Chennai -04.

..Petitioner(s)

Vs

G.Abilash
S/o. Gopalakrishnan,
Plot No.142A, Velan Nagar, 8th Street,
Valasaravakkam, Chennai.

..Respondent(s)

CRP No. 2364 of 2026

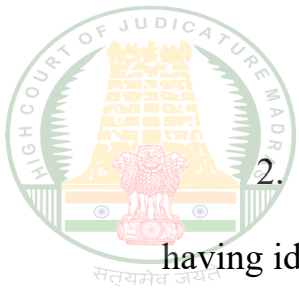
Common Prayer: To set aside the common order and decree dated 10.02.2026 made in I.A.Nos.4 & 5 of 2025 in O.P.No.4981 of 2019 on the file of the II Additional Family Court, Chennai and consequently dismiss the said applications.

For Petitioner(s): Ms.Radhika Boopathi

For Respondent(s): Mr M.Kavi Kannan

COMMON ORDER

Both the Civil Revision Petitions have been filed to set aside the common orders and decree dated 10.02.2026 made in I.A.Nos.4 & 5 of 2025 in O.P.No.4981 of 2019 on the file of the IIInd Additional Family Court, Chennai.

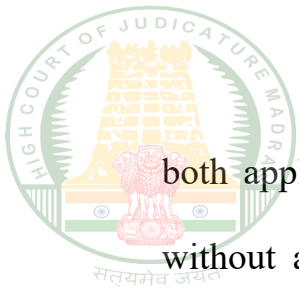


2. Since both the Civil Revision Petitions are related to each other and having identical legal issues, the same are taken up for final disposal.

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3. The learned counsel for the petitioner would submit that in the aforesaid divorce proceedings, the respondent was set exparte on 10.03.2023 due to his non-appearance. Even though the Trial Court informed him about the said exparte order directing to file necessary applications to contest the case, he did not appear before the Trial Court. In the meanwhile, the petitioner filed I.A. No.1 of 2003 seeking to return Sreedhana Articles, before the Trial Court where the respondent entered appearance on 04.07.2023 and failed to file a counter therein. Consequently, he was set exparte on 19.08.2023 in the aforesaid application. Thereafter, the Trial Court passed exparte decree dated 03.12.2024 in O.P. No.4981 of 2019. After passing the exparte order dated 03.12.2024, the respondent filed both applications in I.A. No.4 and 5 of 2025 seeking to condone the delay of 172 days in filing the set aside petition in the aforesaid Original Petition stating the untenable reasons of mental agony caused by the petitioner and to set aside the exparte decree dated 03.12.2024 passed by the Trial Court respectively.

4. It has been further submitted that although the delay is stated to be 172 days and the respondent has not provided any valid or acceptable explanations for the condonation of the delay, the Trial Court has erroneously allowed the

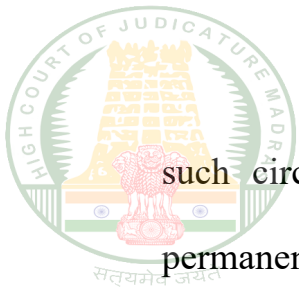


both applications with costs of Rs.5,000/- to the petitioner. The Trial Court without any logical, allowed the applications on the ground of affording an opportunity to the petitioner. Hence, he seeks to set aside the order 10.02.2026 made in I.A. Nos.4 and 5 of 2025 passed by the Trial Court.

5. The learned counsel for the respondent would submit that since the respondent was in out of station due to mental agony caused by the petitioner, he could not appear before the Trial Court in person or through his counsel. Further, the respondent only came to know about the ex parte decree, after receiving the notice from the petitioner's counsel in the execution proceedings. The Trial Court has rightly allowed I.A. Nos.4 and 5 by condoning the delay of 172 days in order to give one more opportunity to defense his case thereby no prejudice would be caused to the petitioner.

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

7. On perusal of the records, it is seen that in view of the non appearance of the respondent-husband, the Trial Court passed an ex-parte decree on 03.12.2024 holding that the marriage solemnized between the petitioner and the respondent is dissolved and further directed the respondent-husband to pay a sum of Rs.1 Crore towards permanent alimony to the petitioner. As on date, the respondent-husband got remarried after obtaining the divorce decree. Under



such circumstances, after initiating the Execution proceedings seeking for permanent alimony as directed by the Trial Court, the respondent has filed the condone delay application with a delay of 172 days to set aside the ex-parte decree, which seems to be evading from the execution proceedings.

8. Having considered the facts and circumstances of the case, this Court is inclined to condone the delay of 172 days with heavy costs of Rs.50,000/- payable to the petitioner wife. Hence, the respondent-husband is hereby directed to deposit the costs of Rs.50,000/- before the Trial Court into OP No.4981 of 2019 within a period of three weeks from the date of receipt of copy of this order. On such deposit, the petitioner-wife is directed to withdraw the said amount after filing the application before the Trial Court.

9. With the aforesaid directions, both Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09-06-2026

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

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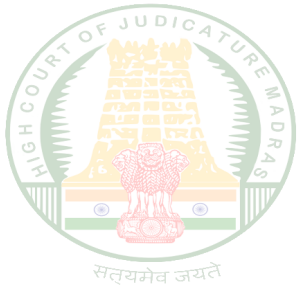
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To:

The IIInd Additional Family Court, Chennai.



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T.V.THAMILSELVI J.

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