

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 157 of 2026

1. Johnson

S/o. Robert Ekambaram, No.24/1, 57,
Solayappan Street, Old Washermenpet,
Chennai - 600 021. presently res. at
7/11, 6th Main Road, Vijaya Desigam
Apts, Ground Floor, Kasthuribai Nagar,
Adyar, Chennai - 600 020.

Petitioner(s)

Vs

1. Caroline Mary

D/o.Brian Dennis Brission, Old No.11,
New No.42, Ramakrishna Street,
Perambur, Chennai - 600 011. presently
res. at No.24/1, 57, Solayappan Street,
Old Washermenpet, Chennai - 600 021.

Respondent(s)

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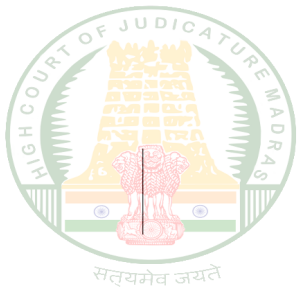
PRAYER

To set aside the order dated 15.07.2024 passed in IA No.2 of 2024 in OP No.2459 of 2018 by the VI Additional Family Judge, Chennai.

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For Petitioner(s): MR.K.P. SathishKumar FOR
M/S.OJASS LAW FIRM

For Respondent(s): Mr.P.Mohanraj

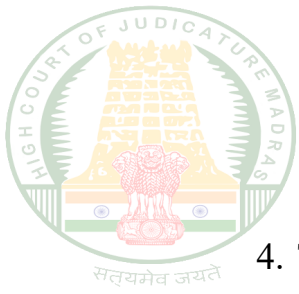
**ORDER**

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This Civil Revision Petition has been filed seeking to set aside the order dated 15.07.2024 passed in IA No.2 of 2024 in OP No.2459 of 2018 by the VI Additional Family Judge, Chennai.

2. The petitioner herein filed IA No.2 of 2024 in OP No.2459 of 2018 on the file of the VI Additional Family Judge, Chennai, seeking to restore the OP No. 2459 of 2018 but the Trial Court dismissed the application stating that the reason stated by the petitioner was not satisfactory. Aggrieved over the same, the petitioner filed this Civil Revision Petition.

3. The learned counsel for the petitioner submits that when the case was posted on 20.08.2024 the petitioner was not able to appear before the Court due to his ill health but the Trial court dismissed the case for default. Immediately thereafter, on 18.09.2024, the petitioner has filed application for restoration of OP but the Trial Court has failed to give opportunity to the petitioner. His absence is neither wilful nor wanton. The Trial has commenced, P.W.1 was partly cross examined, at that stage suit was dismissed for default, Now the petitioner is ready to cooperate for the Trial and seeks one more opportunity to prove the case. Hence, he prays to restore OP No. 2459 of 2018.



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4. The respondent counsel submits that the respondent is suffered with stage 2 cancer, on many occasion the petitioner has not appeared before the Trial Court. Hence the Trial Court dismissed the case for default which requires no interference.

5. Considering the facts of the case, this Court is inclined to give one more opportunity to the petitioner. Accordingly, O.P No. 2459 of 2018 is allowed and the petitioner is directed to cooperate for the Trial proceedings. Further, the Trial Court is directed to dispose of O.P No. 2459 of 2018 within a period of 3 months from the date of receipt of a copy of this order.

6. In the result, this Civil Revision Petition is allowed. No Costs. Pending petition, if any, is closed.

04-06-2026

pbl

Index: Yes/No

Speaking/Non-speaking order

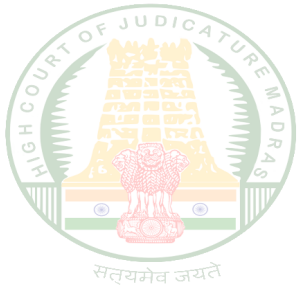
Internet: Yes

Neutral Citation: Yes/No

To

1. The VI Additional Family Judge, Chennai.

2. The Section Officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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