



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.10097 of 2016
IN
CMA(MD) No.SR33299 of 2016

R.PERUMALSAMY,

... PETITIONER / PETITIONER

Vs

R.KRISHNAVENI

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Condone the delay of 127 days in filing the above Civil Miscellaneous Appeal and thus render justice.

PRAYER IN CMA(MD) No.SR33299 of 2016:-

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order made in I.A.No.26 of 2015 in H.M.O.P.No.98 of 2010 on the file of the Family Court, Srivilliputhur, Virudhunagar District, dated 18.01.2016, and allow this Civil Revision Petition and thus render justice.

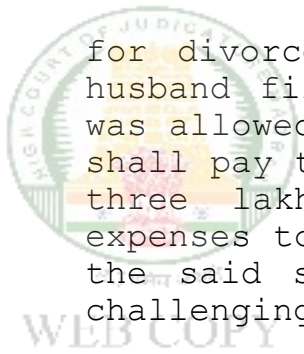
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. P.SUBBARAJ, Advocate for the petitioner and of Mr.M.ASHOK KUMAR Advocate on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **K.RAVICHANDRABAABU, J**)

This Miscellaneous Petition is filed seeking to condone the delay of 127 days in filing the above Civil Miscellaneous Appeal, arising out of the order passed in I.A.No.26 of 2015 in H.M.O.P.No.98 of 2010, on the file of Family Court, Srivilliputhur.

2.Heard both sides.

3.The Petitioner/appellant is the husband and the respondent is the wife. H.M.O.P.No.98 of 2010 was filed by the husband seeking



for divorce. The same was dismissed for default on 3.7.2010. The husband filed restoration petition in I.A.No.26 of 2015. The same was allowed on 18.01.2016, subject to the condition that the husband shall pay the arrears of maintenance amounting to Rs.3 lakhs (Rupees three lakhs only) together with Rs.5,000/- towards litigation expenses to the wife on or before 18.4.2016. The husband did not pay the said sum and however, has chosen to file the present appeal challenging the said order, with a delay of 127 days.

4. After notice in this Miscellaneous Petition, the matter is taken up today for hearing. Upon hearing both sides, We are of the view that the matter has to be settled between the parties amicably by way of mediation. However, before sending the matter for mediation, while considering the present petition for condoning the delay in filing the appeal, We are of the view that the appellant/Petitioner/husband should be put on some terms, so that the parties can amicably settle the issue before the mediation thereafter.

5. Accordingly, this Petition is allowed, subject to the following terms and conditions:

(a) the appellant/husband shall pay a sum of Rs.2 lakhs (Rupees two lakhs only) to the respondent/wife towards arrears of maintenance, within a period of three weeks from the date of receipt of a copy of this order.

(b) On payment of such sum, the appeal shall be numbered and thereafter, the matter be referred to the Mediation Centre of this Court for the parties appearance.

(c) if the amount is not paid, as stated supra, this Miscellaneous Petition stands dismissed automatically, without further reference to this Court.

6. Post the matter '**for reporting compliance**', after three weeks.

sd/-
01/08/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE JUDGE, FAMILY COURT,
<https://hcservices.ecourts.gov.in/hcservices/>
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.



COPY TO:-

THE CO-ORDINATOR,
THE MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.ASHOK KUMAR Advocate SR.No.14875

WEB COPY

ORDER

IN

CMP (MD) No.10097 of 2016

IN

CMA (MD) No.SR33299 of 2016

Date :01/08/2018

MV:VR:SAR4:21/08/18/3P/4C