



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

Tuesday, the Fourteenth day of August Two Thousand Eighteen
PRESENT

The Hon`ble Mrs Justice PUSHPA SATHYANARAYANA

and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.4426 of 2018

IN

CMA(MD) No.SR17884 of 2018

KALIAMMAL

... PETITIONER/APPELLANT

Vs

SENTHIL KUMAR

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone to delay of 1065 days in filing the above Civil Miscellaneous Appeal in C.M.A (SR).NO.17884 of 2018 and thus render Justice.

PRAYER IN CMA(MD) No.SR17884 of 2018:

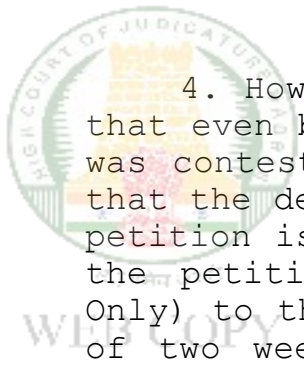
To set aside the Fair and Decreetal order dated 05.02.2015 made in H.M.O.P.No.279 of 2008 on the file of the Family Court, Madurai and allow the appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.SENTHIL, Advocate for the petitioner and No Appearance for the Respondent the court made the following order:-

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

2. This petition has been filed to condone the delay of 1065 days in filing the above Civil Miscellaneous Appeal in C.M.A(MD) No.SR17884 of 2018 and the reasons assigned are not very convincing. In paragraph no.6 of the affidavit, it is stated that the petitioner / appellant was suffering from jaundice and she could not mobilise funds for filing the appeal. Except this mere averment, there is no document filed in support of the same.

3. On the other hand, the learned counsel for the respondent / husband, vehemently contested stating that the petitioner / wife was very much aware of the proceedings and she had been visiting the Court every month to collect the maintenance sum of Rs.4,000/- and she was also well aware of the legal proceedings and therefore, there is no justifiable reason for condoning the delay.



4. However, considering the plight of the petitioner/ appellant that even before the trial Court, she had not engaged a counsel and was contesting the matter on her own, this Court is of the opinion that the delay may be condoned, however on terms. Accordingly, this petition is ordered and the delay is condoned on condition that the petitioner shall pay a sum of Rs.1000/- (Rupees One Thousand Only) to the Siddha Clinic, attached to this Bench, within a period of two weeks from the date on which the order copy made ready, failing which, this petition shall stand dismissed automatically without further reference to this Court. If the papers are otherwise in order, the Registry is directed to number and list the matter for admission.

sd/-
14/08/2018

/ TRUE COPY /

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

TO
THE JUDGE, FAMILY COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
SIDDHA CLINIC,
MADURAI BENCH OF MADRAS HIGH Court, MADURAI.

THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH Court, MADURAI.

+1. C.C. to Mr.D.SENTHIL Advocate SR.No.15673

ORDER
IN
CMP (MD) No.4426 of 2018
IN
CMA (MD) No.SR17884 of 2018
Date :14/08/2018

TK/PN/SAR.4/30.08.2018/2P-5C