

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.P. No.14906 of 2019 in
C.M.A. SR No.85912 of 2019

G.Premalata ... Petitioner /Appellant

-vs-

R.David @ Tamilvannan Respondent/Respondent

Prayer: Petition filed under Section 5 of Limitation Act to condone the delay of 1178 days in filing the above C.M.A. SR.85912 of 2019.

For petitioner : Mr.Adinarayana Rao

ORDER

The petition has been filed to condone the delay of 1178 days in filing the above C.M.A.SR.

2.Learned counsel appearing for the petitioner would submit that after the decretal order passed on 29.01.2016, the respondent, taking advantage of the order granted by the Principal District Court, Tiruvallur in I.D.O.P. No.42 of 2014 dissolving the marriage between the petitioner and the respondent, attempted to marry again. Since the respondent has mislead the petitioner appellant by stating that he is prepared to withdraw the petition, the petitioner was prevented from defending the case and thereby the respondent had fraudulently obtained the exparte decree. In this regard, there was a delay in filing the above C.M.A. which is neither willful nor wanton, but due to bonafide reasons.

3.As it is well settled law that every day's delay has to be explained and no such explanation whatsoever has been given in the present case for condoning the delay of 1178 days for not filing the appeal within the reasonable time, this Court is unable to find any sufficient cause to condone the delay. Accordingly, this petition fails and the same is dismissed. Consequently, CMA No.SR85912 of 2019 stands rejected.

Sd/-
Assistant Registrar

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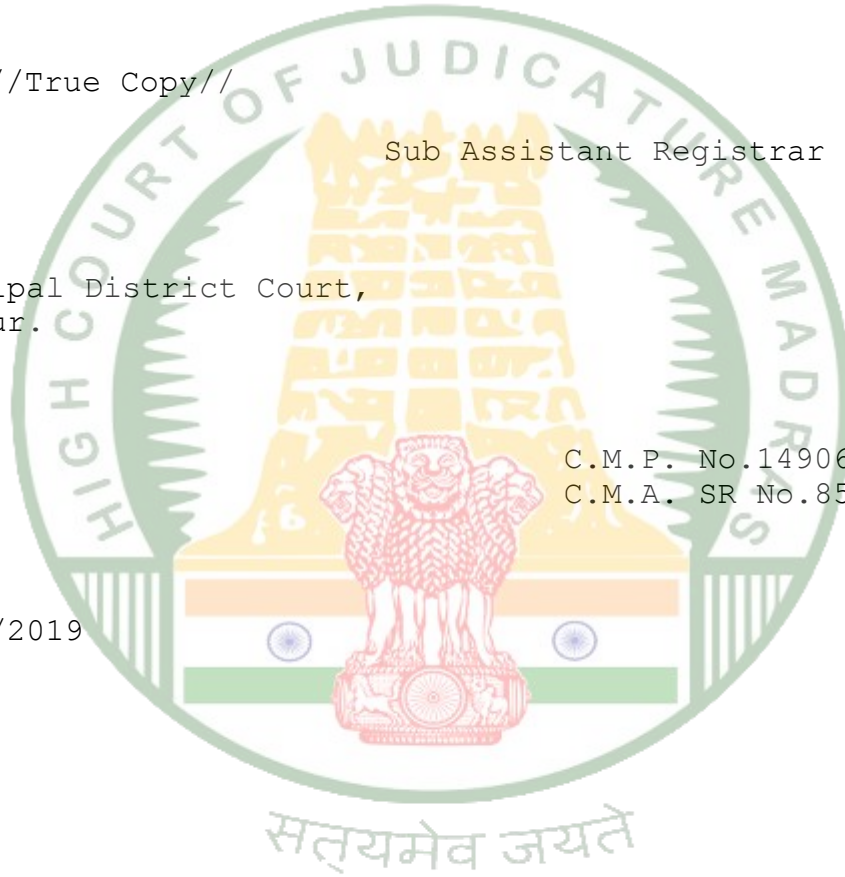
Sub Assistant Registrar

To

The Principal District Court,
Thiruvallur.

C.M.P. No.14906 of 2019 in
C.M.A. SR No.85912 of 2019

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