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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Friday, the Twenty Sixth day of April Two Thousand Nineteen
PRESENT

The Hon'ble Mr Justice K.KALYANASUNDARAM

AND

The Hon'ble Mrs.Justice R.THARANI

CMA(MD) . No.114 of 2017

ESAKKIMUTHU

... Appellant/ Petitioner

-Vs-

1. SANKARA GOMATHI @ SANGARI

2. BALA KANNAN

... Respondents/Respondents

Prayer :- Civil Miscellaneous Appeal filed Under Section 19 of Family Courts Act, 1984 praying to allow this Civil Miscellaneous Appeal and to set aside the judgment and decree dated 04.01.2017 made in H.M.O.P.No.217 of 2016 on the file of Family Court, Tirunelveli.

ORDER: This Appeal coming on for hearing on this day upon perusing the Grounds of Appeal, the judgment and Decree of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.AR.L.Sundaresan, Senior Counsel for Mr.D.Venkatesh, Advocate for the Appellant and Mr.V.Angusamy, Advocate for 1st Respondent and while Allowing this Appeal and remanded back to the Family court, this Court doth order and decree as follows :

1.That the judgment and decree of the Family Court passed in H.M.O.P.No.217 of 2016 dated 04.01.2017, be and hereby is setaside and this Civil Miscellaneous Appeal is Allowed;

2.That the matter be and hereby is remanded back to the Family Court,Tirunelveli for fresh disposal;

3.That the Family court be and hereby is directed to permit the parties to give additional evidence and the appellant to cross examine R.W.1 by fixing two hearing dates and thereafter the HMOP shall be decided on merits and in accordance with law;

4.That the Family court be and hereby is directed to conclude complete the trial within a period of four months from the date of receipt of a copy of this Judgment;



5. That there be and hereby no order as to costs in this Civil Miscellaneous Appeals.

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/ True Copy /

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS)

TO

THE FAMILY JUDGE,
TIRUNELVELI

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai **(2 copies)**

+1 CC to M/s.V.ANGUSAMY, Advocate, SR-63632

+1 CC to M/s.D.VENKATESH, Advocate, SR-63928

ORDER DATED : 26/04/2019

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DECREE

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CMA (MD) . No.114 of 2017

Allowing this CMA (MD) .
No.114 of 2017 preferred
against judgment and decree
passed by FAMILY JUDGE,
TIRUNELVELI made in
HMOP.217/2016 on 04/01/2017
etc.as stated within.

ES/04.06.2019/2P/6C