



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Friday, the Eighteenth day of January Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CMP(MD) No.259 of 2019

IN

CMA(MD) No.79 of 2018

WEB COPY

B.KODI

S/O.LATE BALUCHAMY THEVAR, K.CHETTIKULARM,
KARUMATHUR POST, USILAMPATTI TALUK, MADURAI DISTRICT.

... PETITIONER in CMP(MD) No.259 of 2019

Vs

MALARVIZHI

W/O.KODI, DOOR NO.18-A, 7TH CROSS STREET,
KUMARAN NAGAR, S.AALANKULAM, MADURAI
DISTRICT-625 017.

...RESPONDENT in CMP(MD) No.259 of 2019

Prayer in CMP(MD) No.259 of 2019:

Petition filed under section 148 of CPC seeking to extend the time for payment of 3rd and last installments as per the order of this Hon'ble Court dated 30.08.2018 as this Hon'ble court deem fit and consequently direct the respondent to receive the demand drafts for the 3rd and last installments and thus render justice.

Prayer in CMA(MD)No.79 of 2018:

Civil Miscellaneous Appeal filed under section 19 of the Family Court Act, against the fair and decreetal order dated 26.06.2017 made in HMOP 374 of 2005 on the file of Family Court, Madurai.

ORDER:

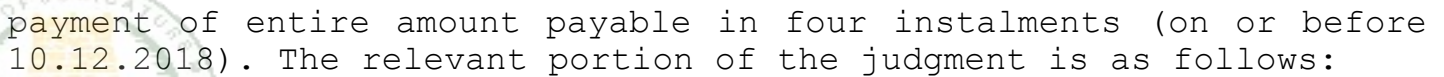
This Civil Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and affidavit and the material papers and the earlier order dated 30.08.2018 and upon hearing the arguments of Mr.R.Devaraj, Advocate for the petitioner and of Mr.N.Sakthivel Advocate for the Respondent, the Court made the following order:

ORDER

[Order of the Court made by **S.S.SUNDAR, J.**]

This petition is filed to extend the time for payment of third and last installments as per the judgment of this Court in the above appeal, dated 30.08.2018.

2.C.M.A.(MD)No.79 of 2018 has been filed by the appellant / husband as against the order of the Family Court, Madurai, in H.M.O.P.No.374 of 2005, dated 20.06.2017, dismissing the divorce petition for non-payment of arrears of maintenance in I.A.No.231 of 2017. This Court by judgment dated 30.08.2018, allowed the above appeal and restored H.M.O.P.No.374 of 2005 on file subject to the



3. Since the appellant could not pay the amount payable towards the third and final installments in terms of the final order passed by this Court in the above appeal, the above miscellaneous petition has been filed.

5. Since the Demand Draft had already been taken by the petitioner / husband, the learned Counsel for the petitioner was directed to hand over the same to the learned Counsel for the respondent. Accordingly, the learned Counsel for the respondent has also acknowledged the receipt of three demand drafts as stated supra. Recording the facts, this petition is ordered. The Family Court, Madurai, is directed to dispose of H.M.O.PNo.374 of 2005 within a period of four months from the date of receipt of a copy of this order.

Sub Assistant Registrar (CS I)



TO

THE JUDGE, FAMILY COURT ,
MADURAI.

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Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

+1CC to Mr.MR.V.SAKTHIVEL , Advocate SR.No. 41853.
+1CC to Mr.R.DEVARAJ , Advocate SR.No. 41862.

CMR

ORDER DATED:18/01/2019

ORDER

CMP (MD) No.259 of 2019

IN

CMA (MD) No.79 of 2018

DS/SKN /SAR-1 (18.02.2019) 3P 6C