



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

Thursday, the Fourth day of July Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mr Justice SENTHILKUMAR RAMAMOORTHY

CMP(MD) No.5771 of 2019

IN

CMA(MD) No.491 of 2019

SHAJI

... PETITIONER/ PETITIONER

Vs

P.JEYA SREE

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of INTERIM STAY, staying the operation of the Fair and Decretal order passed by the Honourable Family Court, Kanyakumari District at Nagercoil in H.M.O.P.No.153 of 2018 dated 30.04.2019, till the disposal of the main CMA(MD)No.491 of 2019 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.L.VICTORIA GOWRI, Advocate for the petitioner, while admitting the CMA., the court made the following order:-

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

Issue notice to the respondent returnable in four weeks.

2.This Petition is filed seeking stay of the order and decretal order passed by the Family Court, Kanyakumari District at Nagercoil in H.M.O.P.No.153 of 2018, dated 30.04.2019, pending disposal of the above appeal.

3.The appellant herein is the Petitioner before the Family Court, Kanyakumari District at Nagercoil seeking divorce. The Family Court dismissed the H.M.O.P. Hence the present Civil Miscellaneous Appeal is preferred by the appellant/husband.

4.Considering the fact that the Petition filed by the Petitioner/appellant seeking for divorce was dismissed by the Family Court, there is nothing to be stayed as sought for in this



Petition. Accordingly, We find that the present Petition is not maintainable.

5. Accordingly, this Petition stands dismissed, without expressing any opinion on the merits and contentions raised by both parties before the Family Court.

sd/-

04/07/2019

/ TRUE COPY /

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

TO
THE JUDGE,
FAMILY COURT,
KANYAKUMARI DISTRICT
AT NAGERCOIL.

ORDER
IN
CMP (MD) No.5771 of 2019
IN
CMA (MD) No.491 of 2019
Date : 04/07/2019

MS/PN/SAR-4/09.07.2019/2P.2C