



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

Thursday, the Fourth day of July Two Thousand Nineteen

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PRESENT

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

CMP(MD) No.5809 of 2019

IN

CMA(MD) No.497 of 2019

P.SIVAKUMAR

... PETITIONER/ APPELLANT

Vs

SURYAKALA

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to STAY the order passed in H.M.O.P.No.109 of 2017 on the file of the Family Court, Sivagangai, dated 01.03.2019, pending disposal of the CMA(MD)No.497 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.J.JEYAKUMARAN, 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 passed by the Family Court, Sivagangai in H.M.O.P.No.109 of 2017, dated 1.3.2019, pending disposal of the above appeal.

3.The appellant herein is the Petitioner before the Family Court, Sivagangai 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

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

TO
THE JUDGE,
FAMILY COURT,
SIVAGANGAI.

ORDER

IN

CMP (MD) No.5809 of 2019

IN

CMA (MD) No.497 of 2019

Date : 04/07/2019

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