



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

Tuesday, the Twenty Second day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr.Justice P.RAJAMANICKAM

C.M.P. (MD) No.2941 of 2020
in
C.M.A. (MD) SR. No.16871 of 2020

S.GOBINATH

... PETITIONER/APPELLANT

Vs

G.RAJABHARATHI

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 295 days in filing the appeal appears in the above Civil Miscellaneous Appeal CMA SR.No. 16871 of 2020 on the file of this Hon'ble Court.

PRAYER IN C.M.A. (MD) SR. No.16871 of 2020:

To set aside the order and decree dated 01.04.2019 and made in HMOP No.583 of 2016 on the file of the Family Court, Madurai and allow this Civil Miscellaneous Appeal on the file of this Hon'ble Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.LAWRENCE, Advocate for the petitioner and of Mr.D.SHANMUGARAJA SETHUPATHI, Advocate on behalf of the Respondent, the Court made the following order:-

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

This petition has been filed to condone the delay of 295 days in filing the Civil Miscellaneous Appeal.

2.Heard Mr.J.Lawrence, learned counsel, who is entering appearing for the petitioner and Mr.D.Shanmugaraja Sethupathi, learned counsel, who accepts notice for the respondent.

3.The learned counsel for the respondent would submit that despite the dismissal of the petition for divorce, the



petitioner/husband is yet to pay any amount towards maintenance, consequentially, she is suffering very much. He further add that, there is no merit in the appeal also.

4.Considering the rival submissions and on going through the materials, this Court is inclined to order the petition by putting the petitioner on terms.

5.Accordingly, the petition is ordered and the delay is condoned, subject to the condition that the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only), either by way of Demand Draft or Pay Order, in favour of the respondent within two weeks from today and file a memo to that effect before the Registry, failing which, the petition shall stand automatically dismissed without any further reference to this Court. On receipt of the memo, the Registry is directed to number the Civil Miscellaneous Appeal, if the papers are otherwise in order, and list it for admission printing the name of Mr.D.Shanmugaraja Sethupathi, learned counsel for the respondent.

sd/-
22/09/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

THE JUDGE,
FAMILY COURT, MADURAI.

COPY TO: THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.2941 of 2020
in
C.M.A.(MD) SR. No.16871 of 2020
Date :22/09/2020

sj
AE/AKM/SAR-II (25.09.2020) 2P 3C

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