

CMP Nos.14698 and 14701 of 2020 in
CMA (SR) Nos.70669 and 70668 of 2020

T.RAJA, J.
and
G.CHANDRASEKHARAN, J.

The Civil Miscellaneous Petitions have been filed to condone the delay of 18 days in filing the appeals against the impugned judgment and decree dated 13.11.2019 passed by the Additional Family Court, Coimbatore in I.A. Nos.2 & 1 of 2019 in H.M.O.P. No.504 of 2018.

2.Mr.R.Ganesh Babu, learned counsel appearing for the respondent/wife, countering the number of days delay occurred, submitted that the delay is not 18 days, but it is more than 300 days. Although in the delay petition it has been mentioned that under section 19(3) of the Family Court Act, the appeals shall be filed within 30 days from the date on which the impugned order was made ready, if proper calculation is made, it goes to 333 days not 18 days.

3.But the explanation offered by the petitioner to condone the delay shows that the petitioner's mother was suffering from cancer, as a

result, he was not able to move out of the City. Secondly, in view of the lock down declared by both State and Central Government on 23rd March, there was no movement all over the country.

4.We also find merits on the explanation offered by the petitioner. The Hon'ble Apex Court, by taking suo motu cognizance of the situation arising out of COVID-19 pandemic and in exercise of powers conferred under Article 142 read with Article 141 of the Constitution of India, in a Sua Motu Writ Petition (Civil) No.3 of 2020 dated 23.03.2020, ordered that a period of limitation in all such proceedings irrespective of the limitation prescribed under the General Law or Special Laws whether condonable or not shall stand extended with effect from 15.03.2020 till further orders to be passed by the Hon'ble Apex Court. The relevant portion of the said order passed by the Hon'ble Apex Court is extracted below:-

'This Court has taken suo motu cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by litigants across the country in filing their petitions/applications/suits/appeals/all other proceedings

within the period of limitation prescribed under the general law of limitation or under special laws (both Central and/or State).

To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/ Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings.'

5.In view of the extension of limitation as mentioned above, finding that during Covid-19 pandemic situation, the petitioner was unable to move out of the city to come to High Court in Chennai from Coimbatore, which is about 400 kms., we are inclined to condone the delay. Accordingly, the petitions are ordered.

(T.R.,J.) (G.C.S.,J.)

19.02.2021

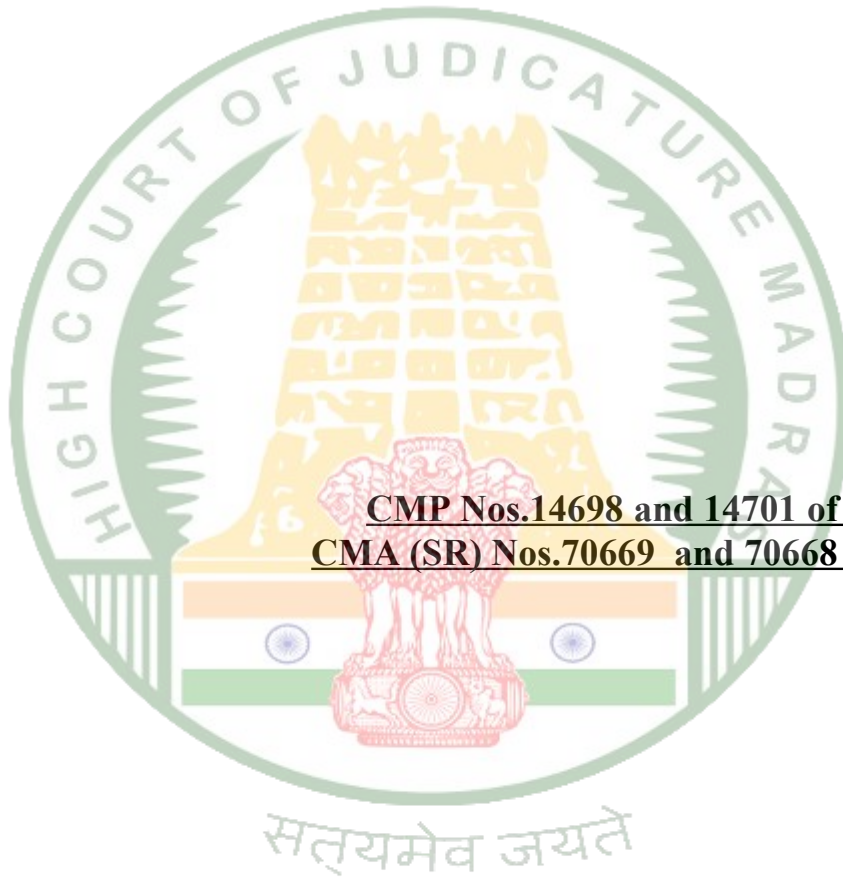
vga

Note:Registry is directed to number the Civil Miscellaneous Appeals and post the same on 24.02.2021.

CMP Nos.14698 and 14701 of 2020
inCMA (SR) Nos.70668 and 70669 of 2020

T.RAJA, J.
and
G.CHANDRASEKHARAN,J.

vga



CMP Nos.14698 and 14701 of 2020 in
CMA (SR) Nos.70669 and 70668 of 2020

WEB COPY 19.02.2021