



CMP.No. 1494 of 2022
in CMA.SR.No. 11167 of 2022

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K.KALYANASUNDARAM, J.
and
V.SIVAGNANAM, J.

This petition has been filed to condone the delay of 892 days in filing the appeal.

2. In the affidavit filed in support of the petition, it has been stated that though the judgment was pronounced on 13.05.2019, but the petitioner was not aware that he can collect free copy of the judgment and then apply for certified copy. It is further stated that with the help of his friends, he tried for settlement of the issue. Then on receiving summons on 13.05.2021 in the O.P filed for restitution of conjugal rights, due to covid-19 pandemic, he could not file this application in time. Hence, there is a delay.

3. The learned counsel appearing for the respondent Mr.K.Elango, referring the counter would state that the delay is not genuine and the notice sent by the respondent dated 19.08.2019 was returned as unclaimed. According to him, the delay has not been properly explained by the petitioner.



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4. It is pertinent to note that that this CMA is filed against the order passed in the main O.P., which was filed for dissolution of marriage solemnized between the petitioner and the respondent on 27.09.2013. Considering the fact that the parties are living apart since 2013 and the respondent choose to file the O.P. for restitution of conjugal rights after a lapse of 7 years, we are inclined to condone the delay on payment of costs of Rs.5,000/- [Rupees five thousand only] to the learned counsel for the respondent. Accordingly, the petition is ordered

5. Post the matter on 24.03.2022.

pvs

[M.K.K.S, J] [V.S.G., J]
09.03.2022



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