

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE SEVENTH DAY OF JANUARY

TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CIVIL MISCELLANEOUS PETITION NO.5436 OF 2021
in

C.M.A.No.2821 of 2015

V.E.Maya

...Petitioner/Appellant

-Vs-

K.S.Vetrivel

...Respondent/Respondent

Petition praying that in the circumstances stated therein and in the affidavit filed therewith affidavit filed with the High Court will be pleased to restore the Appeal in C.M.A.No.2821 of 2015 which was dismissed as infructuous on 30.01.2020 filed as against the impugned order dated 06.10.2015 on the file of the District Family Court, Erode.

Prayer in C.M.A.No.2821 of 2015: Appeal filed under Section 19 of the Family Courts Act against the Fair and final order passed by the Family Court, Erode in H.M.O.P.No.465 of 2014 (Originally H.M.O.P.No.469 of 2010) Family Court, Coimbatore dated 08.09.2015.

ORDER: This Petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.K.Priya, Advocate for Petitioner and of Mr.K.Rajendra Prasad, Advocate for Respondents the court made the following order:

This Civil Miscellaneous Petition has been filed seeking to restore the above appeal which was dismissed as infructuous by this Court by an order dated 30.01.2020.

2. Heard the learned Counsel on either side.

3. In this regard, it is relevant to extract paragraph 3 of the order passed by this Court in CMP.No.4773/2021 in

CMA.No.2821/2015 dated 09.03.2021 here under :

''3. Taking note of the fact that the respondent has no objection in allowing the petition and in view of the lock down declared by both State and Central Government on 23rd March, there was no movement all over the country and the Hon'ble Apex Court, 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 Suo 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 until further orders to be passed by the Hon'ble Apex Court, we are inclined to condone the delay. Accordingly, the petition is ordered.''

3. In view of the above, the present Civil Miscellaneous Petition is allowed thereby restoring the CMA.No.2021/2015 on file.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Judge,
Family Court,
Erode.

Copy To

1. The Section Officer,
V.R. Section,
High Court, Madras.
2. The Section Officer,
Judicial Posting,
High Court, Madras (Post on 21.01.2022)

DATED:- 07.01.2022

ORDER

C.M.P.No.5436 of 2021
in
C.M.A.No.2821 of 2015

Allowing the Petition to
restore the Appeal in
C.M.A.No.2821 of 2015 which was
dismissed an instructuous on
30.01.2020 etc as stated within.

SSI (CO)
RGA (20/01/2022)