



C.M.P.No.7235 of 2021 in C.M.A.SR.No.35566 of 2021

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C.M.A.SR.No.35566 of 2021**

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V.M.VELUMANI,J.
AND
S.SOUNTHAR,J.

(Order of the Court was delivered by V.M.VELUMANI,J.)

This petition is filed to condone the delay of 431 days in filing the Civil Miscellaneous Appeal against the order dated 11.10.2018 made in I.A.No.123 of 2018 in O.P.No.2132 of 2017.

2.The respondent/husband filed the said O.P. for dissolution of marriage between the respondent and petitioner. Pending O.P., the respondent filed I.A.No.123 of 2018 in O.P.No.2132 of 2017 for a direction to the petitioner/wife to pay a sum of Rs.50,000/- per month to him as interim maintenance. The learned Trial Judge, by order dated 11.10.2018 directed the petitioner/wife to pay a sum of Rs.20,000/- to the respondent. Challenging the said order, the petitioner/wife has filed C.M.A.SR.No.35566 of 2021 along with C.M.P.No.7235 of 2021 for the above stated relief.



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3. According to the petitioner/wife, her previous counsel misguided her and advised to file an application to set aside the order passed by the trial Court. Subsequently, when she consulted another counsel, she was advised to file a Civil Revision Petition before this Court. When she filed C.R.P. before this Court, this Court by order dated 04.03.2021 rejected the C.R.P. as not maintainable and directed the petitioner to file an appeal. Hence, she has come out with the appeal along with the present C.M.P. to condone the delay of 431 days in filing the appeal.

4. Learned counsel appearing for the petitioner submitted that the petition may be allowed on terms and an opportunity may be given to the petitioner to contest the case on merits.

5. Considering the fact that O.P. filed by the respondent is pending, counter statement is filed, the appeal is filed challenging the order granting interim maintenance, order of the Hon'ble Apex Court with regard to suspension of limitation and taking into consideration the contention of the learned counsel appearing for the petitioner, the delay of 431 days is



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condoned and C.M.P. is ordered on condition that the petitioner pays a sum of Rs.10,000/- (Rupees Ten thousand only) by way of Demand Draft in the name of the respondent, within a period of one week. The learned counsel appearing for the respondent submitted that he will receive the said Demand Draft on behalf of the respondent.

(V.M.V., J) (S.S., J)
18.07.2022

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Note: Registry is directed to number the appeal, if it is otherwise in order and on compliance of the order passed by this Court today.



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