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C.M.P.No.17400 of 2022
in CMA.SR.No.85702 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM :

THE HONOURABLE **MS.JUSTICE V.M.VELUMANI**
and
THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

C.M.P.No.17400 of 2022
in C.M.A.SR.No.85702 of 2022

Rupa

...Appellant

Vs.

Krishna

...Respondent

Prayer: This Civil Miscellaneous Petition is filed under Section 151 of Code of Civil Procedure, 1908 to dispense with the production of the copy of the impugned Decretal order in O.P.No.3531 of 2014 dated 13.04.2015 passed by the III Additional Family Court at Chennai.

For Appellant : M/s.Rohini Ravikumar



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ORDER

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(Order of the Court was delivered by SUNDER MOHAN,J.)

The Civil Miscellaneous Petition has been filed to dispense with the production of the copy of the impugned Fair and Decreetal order in O.P.No.3531 of 2014 dated 13.04.2015 issued by the III Additional Family Court at Chennai.

2.The above Appeal has been preferred against the order dated 13.04.2015 passed by the learned III Additional Family Court at Chennai in H.M.O.P.No.3531 of 2014. By the said order, the Family Court granted divorce by mutual consent. The Appellant has preferred the above appeal challenging the said Decree of divorce by mutual consent *inter alia* on the ground that her consent was obtained by both fraud and undue influence. The appellant has filed this appeal with the delay of nearly 2637 days. A common affidavit has been filed in support of the condone delay petition, dispense with production of the copy of the Decreetal order in O.P.No. 3531 of 2014 dated 13.04.2015 and for interim stay.

3. In the common affidavit filed by the appellant, she has not furnished any reasons justifying the prayer for dispensing with the production of



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Decreetal order. The prayer for dispensing with the production of the Decreetal order cannot be granted without any reason. The petitioner has not given any reason for not obtaining free copy of the decree and order. The Petitioner has not furnished the details as to when she applied for order copy and why the delay has occurred. The appellant is bound to furnish the reasons for seeking such a prayer, especially when the Decree is of the year 2015. Therefore, we are of the view that the petition lacks merit and hence, liable to be dismissed.

4. Accordingly, the Civil Miscellaneous Petition is dismissed.

[V.M.V.,J]

[S.M.,J]

19.10.2022

Index : Yes / No
dk

To

1. The III Additional Family Court,
Chennai.

2. The Section Officer
VR Section
High Court
Madras.



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V.M.VELUMANI,J.
and
SUNDER MOHAN,J.

dk

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