



CMA.(MD)No.SR45726 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

**CMP(MD) No.6932 of 2022 in
CMA.(MD)No.SR45726 of 2022**

S.Mohandoss

: Petitioner

Vs.

G.Dakshayani

: Respondent

PRAYER: Petition is filed under Section 5 of the Limitation Act to condone the delay of 4142 days in filing CMA(MD) No.SR45726 of 2022.

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act against the order dated 28.02.2011 made in HMOP(MD) No.397 of 2010 on the file of the Family Court, Madurai.

For Petitioner

: Mr.S.Muniyandi



WEB COPY



CMA.(MD)No.SR45726 of 2022

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

This petition has been filed to condone the delay of 4142 days in filing the CMA(MD) No.SR45726 of 2022 against the order dated 28.02.2011 in HMOP No.397/2010 on the file of the Family Court, Madurai.

2.In the affidavit filed in support of this petition, the petitioner has not given proper/valid reasons for condoning the delay of nearly 12 years. It is stated that the respondent did not contract second marriage and living with her parents without any income. It is further stated that the petitioner is taking steps for his younger son's marriage and that on account of the decree of divorce, the petitioner is not able to get a bride for his son. Absolutely, no valid explanation has been given for the delay of nearly 12 years in the affidavit. The petitioner's only contention is that his Doctor advised him to take rest, which cannot be a valid reason for condoning the delay of 12 years. Hence, for want of *bona fide* and proper reasons, this petition is liable to be dismissed. Accordingly, the



CMA.(MD)No.SR45726 of 2022

petition to condone the delay of 4142 days is dismissed. Consequently,
the Civil Miscellaneous Appeal stands rejected. No costs.

[S.S.S.R, J.] & [S.S.Y, J.]
08.08.2022

Internet : Yes
RR
To
The Family Court,
Madurai.



WEB COPY



CMA.(MD)No.SR45726 of 2022

S.S.SUNDAR. J
AND
S.SRIMATHY, J
RR

Order made in
CMP(MD) No.6932 of 2022 in
CMA.(MD)No.SR45726 of 2022

08.08.2022