



C.M.P.No.8105 of 2018

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.K.GOVINDARAJAN THILAKAVADI

C.M.P.No.8105 of 2018
in
C.M.A.Sr.No.31159 of 2018

Anne Christopher Gnanaiah

...Petitioner

Vs.

Christopher E.S.S.Gnaniah

...Respondent

Prayer: Civil Miscellaneous Petition filed under Section 19(3) of the Family Courts Act, 1984, seeking to condone the delay of 279 days in filing the Civil Miscellaneous Appeal against I.D.O.P.No.279 of 2011 on the file of the Family Court, Coimbatore.

For Petitioner : Mr.Kingsly Solomon. J

For Respondent : Mr.D.Rajagopal



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ORDER

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(Order of the Court was made by R.SUBRAMANIAN, J.)

The petitioner seeks condonation of delay of 279 days in filing the appeal against the decree for divorce granted by the Principal Family Court, Coimbatore in I.D.O.P.No.279 of 2011.

2.The said OP was allowed on 27.04.2017. The copy application was filed on 30.06.2017. The copies were made ready on 09.08.2017. The appeal came to be filed in this Court on 11.04.2018 with a delay of 279 days. The petitioner would state that she had found it difficult to approach a legal expert in Chennai and she was also unaware of the limitation period.

3.The respondent has filed a counter stating that after waiting for the appeal period, he has married again. Though the delay is only 279 days, the reasons assigned for the delay do not inspire us. The petitioner had the assistance of the Lawyer before the Family Court therefore, she cannot claim that she was ignorant of the legal procedures. More over, the husband had married again and if we are to condone the delay at this stage, after four years of second marriage, that may lead to further complications. Hence,



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this Civil Miscellaneous Petition is dismissed, reserving right of the petitioner / wife to seek maintenance. Consequently, connected C.M.A.Sr.No.31159 of 2018 is closed.

(R.S.M.,J.) (K.G.T.,J.)
07.02.2023

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To:-

The Principal Family Court,
Coimbatore.



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R.SUBRAMANIAN, J.
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K.GOVINDARAJAN THILAKAVADI, J.

KKN

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