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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twelfth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CMP(MD) No.3202 of 2023
in
CMA(MD)SR.No.15148 of 2023

T.RAVIKUMAR

... PETITIONER/ APPELLANT

Vs

T.SANKARI

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 177 days in filing the above civil miscellaneous appeal in CMA(MD).SR.No. 15148 of 2023.

PRAYER in CMA(MD)SR.No.15148 of 2023:

To partly set aside the fair order and Decretal order dated 20.05.2022 made in H.M.O.P.No.107 of 2020 on the file of the Hon`ble Family Court at Tirunelveli with regard to the permanent alimony by allowing the Civil Miscellaneous Appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.ILAYAPERUMAL, Advocate for the petitioner and of Mr.V.BALASUBRAMANIAN, Advocate on behalf of the Respondent, the Court made the following order:-



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[Order of the Court made by **S.S.SUNDAR, J.**]

This petition is filed to condone the delay of 177 days in filing the above Civil Miscellaneous Appeal.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The above appeal is filed by the petitioner challenging the order, dated 20.05.2022 made in H.M.O.P.No.107 of 2020 on the file of the Family Court, Tirunelveli. The petitioner herein filed the said petition for dissolution of marriage, which was solemnized between the petitioner and the respondent on 23.05.2012. The Court below granted a decree for divorce and directed the petitioner/husband to pay a sum of Rs.10,00,000/- to the respondent/wife and a sum of Rs.5,00,000/- to the minor child as permanent alimony. Aggrieved by the quantum awarded by the Family Court as permanent alimony, the petitioner has filed the above appeal.

4. It is the case of the respondent that the respondent has not paid even a single pie pursuant to the order of the Family Court.

5. In the affidavit filed in support of this petition, the petitioner has given reasons for the delay. Having regard to the peculiar facts and circumstances of the case, this Court finds that the petitioner could have avoided the delay.

6. In such circumstances, this petition is ordered on condition that the petitioner shall deposit a sum of Rs.3,00,000/-(Rupees Three Lakhs Only), to the credit of H.M.O.P.No.107 of 2020 on the file of the Family Court, Tirunelveli, within a period of six weeks from the date of receipt of a copy of this order. In case, the petitioner fails to deposit the said amount, this petition shall stand dismissed automatically, without further reference to this Court.

sd/-

12/07/2023

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/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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THE JUDGE,
FAMILY COURT, TIRUNELVELI.

+1 CC to M/s.A.ILAYAPERUMAL, Advocate (SR-10671[I] dated 13/07/2023)

ORDER
IN
CMP(MD) No.3202 of 2023
in
CMA(MD)SR.No.15148 of 2023
Date :12/07/2023

SS/BUC/20/07/2023/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023