



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

Wednesday, the Fifth day of April Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

and

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD) No.4008 of 2023

in

CMA (MD) No.328 of 2023

R. MUGESHCHANDAR

... APPELLANT/RESPONDENT

Vs

M. BIRUNDHA

... RESPONDENT/PETITIONER

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an INTERIM STAY against the fair and decreetal order dated 30.11.2022 passed in H.M.O.P. No. 613 of 2022 on the file of the Family court, Theni and till pending disposal of the Civil Miscellaneous Appeal and thus render justice.

Prayer in CMA(MD). 328/ 2023 :

Civil Miscellaneous Appeal filed under section 19 of Family Court Act to set aside the fair and decreetal order dated 30.11.2022 passed in H.M.O.P. No. 613 of 2022 on the file of the Family Court, Theni and allow this Civil Miscellaneous Appeal and pass such further or other order as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

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.R.KARUNANIDHI, Advocate for the petitioner, while admitting the Civil Miscellaneous Appeal, the court made the following order:-

Since the Decree is one of restitution of conjugal rights, which cannot be enforced, the stay petition is dismissed.

sd/-

05/04/2023

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/04/2023

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



CMP(MD)



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TO

The Judge, Family court, Theni.

WEB COPY

ORDER

IN

CMP (MD) No.4008 of 2023

IN

CMA (MD) No.328 of 2023

Date :05/04/2023

NA/SSS/SAR-2/11.04.2023/2P/2C