



CMP(MD) No.9866 of 2023

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

Tuesday, the Twelfth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
and
The Hon`ble Mr.Justice P.B. BALAJI

CMP(MD) No.9866 of 2023
in
CMA(MD)SR.No.51325 of 2023

R.PANNERSELVAM

... PETITIONER/APPELLANT

Vs

G.AMUTHA

... RESPONDENT/RESPONDENT

Civil Miscellaneous petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone to delay of 306 days in filing the above Civil Miscellaneous Appeal in CMA SR. No. 51325/2023.

PRAYER in CMA(MD)SR.No.51325 of 2023:

To set aside the Fair and Decreetal order made in H.M.O.P.No.347 of 2018 on the file of the Family Court, Karur, dated 23.05.2022 and allow the above Civil Miscellaneous Appeal.

ORDER : This Civil Miscellaneous 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.ANANTHAKUMAR, Advocate for the petitioner and of Mr.D.SRINIVASA RAGAVAN, Advocate on behalf of the Respondent, the Court made the following order:-



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(Order of the Court was made by RMT.TEEKAA RAMAN, J.,)

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This Petition is filed seeking to condone the delay of 306 days in filing the Civil Miscellaneous Appeal.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials placed before this Court.

3. The petitioner is the appellant herein. Husband filed H.M.O.P.No.347 of 2018 seeking dissolution of marriage and the wife filed H.M.O.P.No.33 of 2019 seeking restitution of conjugal rights. Both the cases were tried together and H.M.O.P., filed by the wife was allowed and H.M.O.P., filed by the husband was dismissed. Aggrieved against the dismissal of the petition for dissolution of marriage filed by the husband, this appeal has been filed with a delay of 306 days.

4. For the reasons stated in the accompanying affidavit filed in support of this Petition and on being satisfied with the same, this Petition is allowed and the delay of 306 days in filing the appeal, is condoned on condition that the petitioner shall pay a sum of Rs.1,000/- (Rupees Thousand only) towards costs to the counsel for respondent, failing which, the Petition shall stand automatically dismissed without further reference to this Court.



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5. Post the matter on 03.01.2024 for reporting compliance.

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sd/-
12/12/2023

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/12/2023

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

AM
TO
THE JUDGE,
FAMILY COURT, KARUR.

ORDER
IN
CMP(MD) No.9866 of 2023
in
CMA(MD)SR.No.51325 of 2023
Date :12/12/2023

SS/DD/SAR- /14/12/2023/3P/2C

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