



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Twentieth day of January Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
AND

The Hon`ble Mr.Justice SUNDER MOHAN

CMP(MD).No. 8668 of 2018

in

CMA(MD). No.785 of 2015

PRADEEPKUMAR KENNY,
S/O.SAMPATH PREMKUMAR
NO.2, DAYABARAN STREET,
MURUGANKURICHI, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

... Appellant/Petitioner

Vs

SELVA BHARATHI
S/O. PONNUSAMY,
1-F, MARIAMMAN KOVIL STREET,
T.N. PUDUKUDI, PULIYANKUDI,
SNAKARANKOVIL TALUK, TIRUNELVELI DISTRICT.

... Respondent/Respondent

Prayer in CMP(MD).No. 8668 of 2018:-

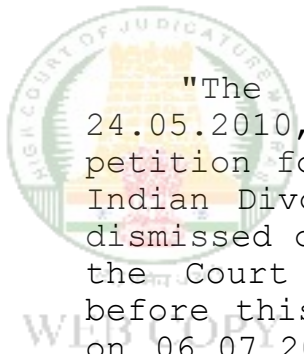
This Civil Miscellaneous Petition filed under Order 41 Rule 19 of C.P.C., praying this Court to pass an order to restore the Civil Miscellaneous Appeal(MD).785 of 2015, dismiss for default dated 06.07.2018 and allow this application taken on file before the Coram.

Prayer in CMA(MD). No.785 of 2015:-

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, against the Judgment and Decree dated 13.01.2015 made in I.D.O.P. No. 15 of 2014 on the file of the Family Court, Tirunelveli.

ORDER:-

This Civil Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S.Srikanth For M/s.APN.Law Associates, Advocate for the Petitioner and of Mrs. Selva Bharathi, Party-in-Person for herself, this Court made the following order:



"The parties profess Christianity. They got married on 24.05.2010, as per the rights and customs of Christianity. The petition for divorce filed by the husband under Section 10(1)(x) of Indian Divorce Act before the Family Court, Tirunelveli, which was dismissed on 13.01.2015. Challenging the said decree and judgment of the Court below, the husband preferred C.M.A(MD)No.785 of 2015 before this Court. The said C.M.A came to be dismissed for default on 06.07.2018, since there was no representation on behalf of the appellant/husband.

2.After dismissal of the said C.M.A, it appears that the parties have arrived at compromise and therefore, filed miscellaneous petition under Order 41 Rule 19 of C.P.C., to restore the said C.M.A, which was dismissed for default, on 06.07.2018 and also to consider their joint compromise memo. Today, the parties are present before this Court and submitted deed of mutual agreement and joint compromise memo.

In the light of the subsequent development and the compromise entered between the parties after the dismissal of the said C.M.A to meet the ends of justice, the C.M.A dismissed for default, is restored. Accordingly, C.M.P(MD)No.8668 of 2018 is allowed."

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

NS

To

The Judge,
Family Court,
Tirunelveli.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 20/01/2023

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ORDER

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CMP(MD) . No.8668 of 2018
in
CMA(MD) .No.785 of 2015