



WEB COPY



C.M.P.No.23804 of 2023
in C.M.A (SR) No.61911 of 2023

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(Filing Number)

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

(Order of the Court was made by K.GOVINDARAJAN THILAKAVADI, J.,)

The above Civil Miscellaneous Petition is filed to condone the delay of 659 days in filing the above Civil Miscellaneous Appeal against the order dated 24.03.2021 passed in F.C.O.P.No.555 of 2016 by the Family Court, Salem.

2. This application is filed by the wife, who was respondent in the above F.C.O.P.

3. The respondent /husband has filed an application under Section 13(1) of Hindu Marriage Act, 1955 (Act 25 of 1955) seeking dissolution of marriage solemnized with the petitioner / wife on 11.09.2011. The said application was allowed by the Family Court, Salem, against which the present appeal has been filed.



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4. In the affidavit filed in support of the petition, it has been stated that the petitioner is living with her aged parents along with her female child and due to her family circumstances and due to Covid-19 pandemic which was prevailing, she was unable to come to Chennai and engage a counsel to file the appeal which caused the delay in filing the appeal.

5. The learned counsel appearing for the petitioner/appellant reiterated the aforementioned reasons and submitted that the delay in filing the appeal is neither willful nor wanton and prays for allowing this application.

6. On the other hand, the learned counsel appearing for the respondent, though took time for filing counter, today orally opposed the petition stating that the petitioner should have been more diligent in filing the appeal and moreover the reasons stated by the petitioner is not sufficient to condone the huge delay of 659 days.

7. Heard both sides and perused the materials placed before us.



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8. During Covid-19, the Hon'ble Supreme Court has relaxed the period of limitation from 15.03.2020 to 28.02.2022 vide *Suo Motu* Writ Petition (C) No.3 of 2020. Hence, considering the facts and circumstances of the case, the trajectory the matter has taken and the manner in which the petitioner is circumstanced, we feel that this is a fit case to accede to the prayer in the present petition.

9. Accordingly, this petition is allowed and the delay in filing the Civil Miscellaneous Appeal is condoned. There shall be no order as to costs.

Registry is directed to number the appeal if it is otherwise in order.

[M.S.,J.] [K.G.T.,J.]

15.02.2024

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