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C.M.A.Nos.1593 & 1594 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED :10.12.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU**  
and  
**THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

C.M.A.Nos.1593 & 1594 of 2019  
and  
CMP.No.4551 of 2019

S.Sundari  
W/o Venkatachalapathy ... Appellant in both the Appeals

Vs.

Venkatachalapathy  
S/o Gopalakrishnan ... Respondent in both the Appeals

**Prayer:** This Civil Miscellaneous Appeals are filed under Section 19 of the family Courts Act, 1984 against the fair and decreetal order dated 28.06.2016 made in I.A.No.999 of 2014 in M.O.P.No.169 of 2009 on the file of the Family Court, Pondicherry and in I.A.No.1000 of 2014 in M.O.P.No.169 of 2009 on the file of the Family Court Pondicherry respectively.

For Appellant : Mr.D.S.Thirumavalavan

For Respondent : Mr.J.Zeakumar  
for M/s. Achari & Antoni Associates.



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### **COMMON JUDGMENT**

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*(Judgment of the Court was delivered by J. Nisha Banu, J)*

Today, the matter is listed under the caption 'for reporting compliance'.

2. These appeals have been filed as against the order passed in I.A.No.999/2014 seeking to recall P.W.1 and P.W.2 and I.A.No.1000 of 2014 seeking to re-open the case for cross examination of the witnesses respectively. The Court below allowed both the applications by imposing costs of Rs.1000/- and Rs.500/- respectively payable to the respondent on or before 04.07.2016. Since the appellant failed to effect payment, both the applications were dismissed. Hence, these appeals.

3. When the Appeals came up for hearing on 13.03.2020, this Court allowed both the Appeals, by setting aside the order dated 28.06.2016 passed in I.A.Nos.999 & 1000 of 2014 by the Family Court, however, directed the appellant to pay a sum of Rs.3,000/- to the respondent within one week and directed to post the matter for reporting compliance'.

Today, when the matter is taken up, the learned counsel for the appellant stated that the appellant has not paid the amount as ordered by



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this Court, by order dated 13.03.2020.

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4. Since the order passed by this Court dated 13.03.2020 has not been complied with till date, we are of the opinion that both the appeals are liable to be dismissed. Therefore, the order passed by this Court dated 13.03.2020 is recalled. Both the Civil Miscellaneous Appeals are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(J.N.B, J.) (R.S.V., J.)**  
**10.12.2024**

vsi

To

The Family Court,  
Pondicherry



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**J. NISHA BANU, J.**  
and  
**R. SAKTHIVEL, J.**

vsi

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