



CMP(MD) No.8519 of 2024

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

Monday, the Nineteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
and
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CMP(MD) No.8519 of 2024
in
CMA(MD) SR No.42496 of 2024

HIGHCOURT RAJA

... Petitioner / Petitioner

Vs

THANGAM

... 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 the Delay of 340 days in filling the Civil Miscellaneous Appeal Againsts the fair and decreetal order passed by the learned Family Judge, Tirunelveli in H.M.O.P.No.134 of 2022 dated 21.03.2023.

Prayer in CMA(MD) SR No.42496 of 2024:

To call for the records pertaining to the fair and decreetal order passed by the learned Family Judge, Madurai in H.M.O.P.No.134 of 2022 dated 21.03.2023 and to set aside the same by allowing this 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.K.NAVANEETHARAJA, Advocate for the petitioner and of Mr.C.THANGAPANDY, Advocate on behalf of the Respondent, the Court made the following order:-



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The petitioner filed petition for divorce in HMOP No.134 of 2022 on the file of the Family Court, Tirunelveli and the same was dismissed. Challenging the same he has filed the present appeal with a delay of 340 days.

2. The learned counsel for the respondent submitted that the respondent has filed petition under Section 125 of Cr.P.C seeking maintenance before the Family Court, Tirunelveli in M.C.No.35 of 2022 and the same was ordered on 21.03.2023 directing the petitioner to pay a sum of Rs.6,000/- as interim maintenance to the respondent. Challenging the same, revision was filed before this Court in CrI.R.C (MD) No.1028 of 2023 and the same was dismissed on 15.09.2023 and the same was not challenged so far. However the learned counsel appearing for the respondent submitted that even after the dismissal of the revision the petitioner has not paid any amount and in order to escape from that he has filed the present appeal with a huge delay and the reasons stated in the affidavit is also not satisfactory. Admittedly the petitioner filed divorce original petition before the Family Court against the respondent and the same was dismissed, however he filed the appeal and there is a delay of 340 days. The petitioner herein has not paid maintenance amount as ordered by the Family Court, and the same was also confirmed by the learned Single Bench in Criminal Revision.

3. In view of the same, the petitioner is directed to deposit the entire arrears



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amount in M.C. No.35 of 2022 within a period of four weeks from the date of receipt of a copy of this order and on such deposit the application is ordered to be allowed, failing which, the application shall stand automatically dismissed without any further reference to this Court. If the petitioner deposits the said amount, Registry is directed to take the appeal on file, if it is otherwise in order.

4. Post the matter on 23.09.2024 under the caption 'for reporting compliance'.

sd/-
19/08/2024

/ TRUE COPY /

/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

The Judge,
Family Court, Tirunelveli.

ORDER
IN
CMP(MD) No.8519 of 2024
in
CMA(MD) SR No.42496 of 2024
Date :19/08/2024

ED/ GS /SAR- (23/08/2024) 3P / 2C
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