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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twentieth day of September 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.12932 of 2022
in
C.M.A(MD)SR.No.58785 of 2022

Suresh,
S/o.Duraipandi,
Thoodaneeri Post,
Madurai North Circle,
Madurai-625 402.

... Petitioner/ Appellant

Vs

Pandiselvi
D/o.Rajappan,
Melakkal Near Primary Health Centre Office,
Vadipatti Circle,
Madurai.

... Respondent/ Respondent

Prayer in CMP(MD). No.12932 of 2022:-

Civil Miscellaneous Petition Under Order 41 Rule of CPC,to condone the delay of 510 days in filing the above civil miscellaneous appeal in CMA(MD).SR.No. 58785 of 2022 as against the judgment and decree passed in HMOP.No. 29 of 2015 on the file of the II Additional Sub Court, Madurai.



Prayer in C.M.A(MD)SR.No.58785 of 2022:-

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Civil Miscellaneous Appeal Section 28 of Hindu Marriage Act, to call for the entire records and set aside the Judgment and Decree passed in HMOP.No 29 OF 2015 on the file of Learned II Additional Sub Court, Madurai by order dated 06.02.2019 by allowing the Civil Miscellaneous Appeal.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.Niranjan S.Kumar, Advocate for the Petitioner and of M/s.Sureshkumar, Government Advocate for the respondent(s), this Court made the following order:

(Order of the Court was made by P.VELMURUGAN,J)

This Petition is filed to condone the delay of 510 days in filing the above Civil Miscellaneous Appeal as against the judgment and decree made in H.M.O.P.No.29 of 2015, on the file of II Additional Sub-Court, Madurai.

2.Heard the learned counsel appearing on either side and perused the material placed before this Court.



3. Since the order under challenge was pronounced by the IInd Additional Subordinate Judge, Madurai, the appeal as against the said order would lie only before the District Court, Madurai. Therefore, the Registry is directed to return the original order to the counsel for the Petitioner/appellant to file an appeal before the competent Court. Since the appeal itself is not maintainable for want of jurisdiction, this Petition for condone the delay is dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/10/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

The II Additional Sub Judge, Madurai.

Copy to:

The Section Officer,

Judicial Section,

Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 20/09/2024

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ORDER

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CMP(MD). No.12932 of 2022

in

C.M.A(MD)SR.No.58785 of 2022

Giving direction and etc.
as stated within.