



C.M.P.No.11797 of 2025 in
C.M.A. (SR) No.72718 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.M.P.No.11797 of 2025 in
C.M.A. (SR) No.72718 of 2025

Suganya D/o. Sengodan

... Petitioner / Appellant

vs.

Silambarasan S/o. Arivazhagan

... Respondent

PRAYER: Civil Miscellaneous petition filed under Section 5 of Limitation Act praying to condone the delay of 1237 days in filing the appeal against the judgment and decree dated 04.09.2021 passed in H.M.O.P. No.126 of 2018 on the file of the Family Court, Dharmapuri and dispose the same on merits.

For Petitioner : Mr. D. Rameshkumar

For Respondent : Mr. V. Sakkarapani



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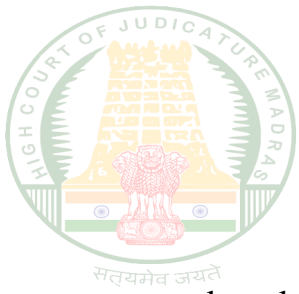
JUDGMENT

(Judgment of the Court was made by P.DHANABAL,J.)

This Civil Miscellaneous petition has been filed under Section 5 of Limitation Act to condone the delay of 1237 days in filing the appeal against the judgment and decree passed by the Family Court, Dharmapuri in H.M.O.P. No.126 of 2018 dated 04.09.2021.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the wife of the respondent. The respondent filed a petition before the Family Court, Dharmapuri seeking divorce in H.M.O.P. No.126 of 2018 and the same was allowed on 04.09.2021. Aggrieved by the said order, the petitioner preferred an appeal with delay. The petitioner is an illiterate from a remote village at Dharmapuri District and she has no legal knowledge of procedures followed in the Court of law and the earlier counsel in the trial Court had not instructed the appellant to prefer the appeal within the time framed. Therefore, there is a delay of 1237 days in filing the appeal and the same has to be condoned.

3. The learned counsel appearing for the respondent would submit



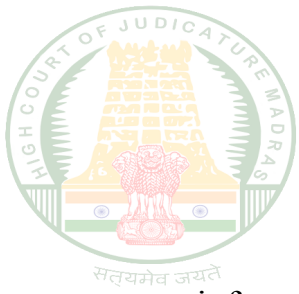
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that the respondent filed a Divorce petition against the appellant on the ground of 'cruelty' as well as 'desertion'. The trial Court allowed the petition by granting divorce on the ground of 'cruelty'. The appellant also appeared before the trial Court and hotly contested the case and after hearing both sides and by giving opportunity to both the parties, the decree was passed by the trial Court. The date of decree is on 04.09.2021. Thereafter, the respondent got a second marriage and he has children through the second wife. Therefore, there are no merits in this petition and huge delay of 1237 days has not been properly explained and therefore, the petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. The Family Court, Dharmapuri granted divorce on the ground of 'cruelty' through an order dated 04.09.2021. The said Decree is a contested decree and the appellant also participated in the proceedings. Thereafter, no any appeal has been preferred as against the said decree. Now, the petitioner has filed the present application to condone delay of 1237 days without any valid reasons. The reason stated by the petitioner that she has no knowledge about the legal proceedings and her counsel has also not



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informed about the filing of appeal, is not a ground to condone such huge delay of 1237 days. It is well settled law that delay has to be explained properly. But in this case, there is no any proper explanation offered by the petitioner for the enormous delay. After the decree of divorce granted by the trial Court, the respondent has also married an another lady and he has two children through the second wife. Therefore, even the delay is condone, the purpose of filing of appeal will not be served. Therefore, there are no merits in this petition and deserves to be dismissed.

6. Accordingly, this Civil Miscellaneous petition is dismissed and the Civil Miscellaneous Appeal in C.M.A. (SR) No.72718 of 2025 is rejected at SR stage itself.

(R.S.K.J.) & (P.D.B.J)

07.08.2025

mjs

Internet : Yes

Index: Yes/No

Neutral Citation: Yes/No

To

The Presiding Officer,
Family Court,
Dharmapuri.



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R. SURESH KUMAR,J
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