



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

WEB COPY

Thursday the Seventeenth day of July Two Thousand and Twenty Five

PRESENT
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA

CMP(MD).No.11164 of 2025
IN
C.M.A.(MD)No.40 of 2019

Rajan

...Petitioner/ Appellant

Vs

1 A.Sarojini

2 T.Anbu

...Respondents/ Respondents

Prayer in CMP(MD)No.11164 of 2025:

This Civil Miscellaneous Petition is filed under Order 41 Rule 19 of Code of Civil Procedure, 1908 to set aside the order dated 24.10.2024 and to restore the main Civil Miscellaneous Appeal in CMA(MD) No.40 of 2019 on the file of this Honourable Court, which was dismissed for non prosecution by this Honourable Court.

Prayer in CMA(MD)No.40 of 2019:

Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1984 against the fair and executable order dated 07.09.2018 passed in H.M.O.P.No.59 of 2018 on the file of the Court of the District Judge, Family Court, Kanniyakumari District at Nagercoil.



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 Mr.V.Meenakshi Sundaram, Advocate for the Petitioner and of Mr.T.Selvakumaran, Advocate for Respondent No.1, and there is no representation on behalf of the Second Respondent neither in person nor by Advocate, this Court made the following order:

Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

2. For the reasons stated in the accompanying affidavit filed in support of this petition, this petition to set aside the order dated 24.10.2024 and to restore the main Civil Miscellaneous Appeal in C.M.A.(MD) No.40 of 2019, which was dismissed for non-prosecution, is allowed and C.M.A.(MD) No.40 of 2019 is restored to the file of this Court, on condition that the petitioner shall pay a sum of Rs.5,000/- (Five Thousand Rupees only) as cost to the respondent/wife within a period of one week from today.

3. Post the matter after two weeks 'for reporting compliance'.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2025

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



1. The District Judge,
Family Court,
Kanniyakumari District at Nagercoil.

COPY TO:

1. A.Sarojini
D/o.Ayyadurai,
W/o.T.Rajan,
No.4/126A1, Kamaraj Colony,
Erumbukadu Post,
Neendakarai A Village,
Agasteeswaram Taluk,
Kanniyakumari District.

2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.
(POST THE MATTER – FOR REPORTING COMPLIANCE)

ORDER DATED : 17/07/2025

ORDER

CMP(MD).No.11164 of 2025
IN
C.M.A.(MD)No.40 of 2019
Giving direction and etc.
as stated within.

TS (18/07/2025) 3P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.



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