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CMP(MD) NO. 14724 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12-11-2025**

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THE HONOURABLE MS.JUSTICE R. POORNIMA

**CMP(MD) NO. 14724 of 2025 in
CMA(MD) SR NO. 13285 OF 2025**

A.Alexander

Petitioner(s)

Vs

C.Christie Kavitha

Respondent(s)

For Petitioner : Ms. R.Yamuna

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 2399 days in filing the Civil Miscellaneous Appeal against the Judgment and Decreetal order in I.D.O.P.No.57 of 2010 on the file of the Learned I Additional District Judge (PCR), Tiruchirapalli.

ORDER

This Petition has been filed to condone the delay of 2399 days in filing the Civil Miscellaneous Appeal against the order dated, 21.04.2016 made in I.D.O.P.

1/5



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No.57 of 2010 on the file of the learned I Additional District Judge (PCR),
Tiruchirapalli.

2. The learned counsel appearing for the petitioner submitted that the petitioner, who is the husband of the respondent, had no knowledge of the above order and failed to contact his counsel on record. Thereafter, due to the Covid-19 pandemic situation, he could not meet his counsel. He further submitted that only in the month of November 2024, the petitioner came to know about the judgment and decree and, therefore, the delay occurred in filing the above said appeal.

3. The learned counsel appearing for the respondent submitted that the petitioner filed the divorce petition on false grounds and the same was dismissed by the Court below. The plea that he was unaware of the order is not acceptable. It is further stated that the respondent is a handicapped person, and that she was criminally intimidated by the petitioner and his family members. The petitioner also filed a false complaint, which was dismissed. Now, after a lapse of 10 years, the petitioner has filed the present petition without any proper explanation and hence, the same is liable to be dismissed.



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

5. On perusal of the records, it is seen that the divorce petition filed by the petitioner before the Court below under Section 10(1)(x) of the Divorce Act was dismissed with costs on 21.04.2016. The reason stated by the petitioner that he could not contact his counsel due to the pandemic situation is not acceptable for condoning the delay. The reliance placed on the Covid-19 pandemic is also not acceptable, as the pandemic commenced only in the year 2020, whereas the petition was dismissed on 21.04.2016, nearly four years prior to the pandemic. Hence, the reason stated by the petitioner does not justify condonation of the delay of 2399 days in filing the Civil Miscellaneous Appeal.

6. Accordingly, this Civil Miscellaneous petition is dismissed with costs. Consequently Civil Miscellaneous Appeal is dismissed at the SR stage itself.

12.11.2025

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R. POORNIMA, J.,

trp

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