



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :19.03.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

C.M.P(MD)No.4271 of 2025
in
C.M.A(MD)SR.No.19055 of 2025

Ganesadhasan

... Petitioner/Appellant

-Vs-

Sasikumari

... Respondent/Respondent

PRAYER in C.M.P(MD)No. 4271 of 2025: Petition filed under Order 41 Rule 3(4) of Civil Procedure Code read with Section 5 of Limitation Act, to condone the delay of 2407 days in filing the Civil Miscellaneous Appeal against the Fair and Decretal order dated 13.03.2018 made in H.M.O.P. No. 43 of 2017 on the file of the Family Court, Sivagangai, Sivagangai District.

PRAYER in C.M.A(MD)SR.No.19055 of 2025: Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, to call for the records in Fair and Decretal order dated 13.03.2018 made in H.M.O.P. No. 43 of 2017 on the file of the Family Court, Sivagangai, Sivagangai District and to set aside the same and to grant the relief of divorce by allowing this Civil Miscellaneous Appeal.



For Petitioner : Mr.R.Udhayakumar

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COMMON ORDER

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The Husband has lost his divorce petition in H.M.O.P. No.43 of 2017 has preferred the Appeal with the delay of 247 days.

2. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.

3. The reason stated in the affidavit in support of the petition is only the COVID pandemic and moratorium granted by the Hon'ble Supreme Court. This Court of the fact that the moratorium by the Hon'ble Supreme Court was only between February 2020 to March 2021, whereas the order impugned was passed on 13.03.2018 about four years prior to moratorium. Hence, the reason cited in the condone delay petition is not satisfactory.



4. Accordingly, this condone delay petition stands ***dismissed***.

The dismissal of the petition shall not stand in the way of the petitioner to file a fresh petition. If there is any ground subsequent to the dismissal of H.M.O.P. No.43 of 2017, dated 13.03.2018, which will be sufficient to sustain the divorce petition. Consequently, connected Civil Miscellaneous Appeal is also rejected at SR stage. No costs.

[G.J., J.] & [R.P., J.]

19.03.2025

NCC : Yes / No
Index : Yes / No
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AND
R.POORNIMA, J.

KSA

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