



CMP(MD).No.13153 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**CMP(MD).No.13153 of 2025 in
CMA(MD).SR.No.56353 of 2025**

P.Muthukumar

... Petitioner

VS.

K.Seelaikari @ Saratha

... Respondent

PRAYER in CMP(MD).No.13153 of 2025: Petition filed under Section 5 of the Limitation Act, to condone the delay of 2933 days in filing the Civil Miscellaneous Appeal to set aside the order passed by the Family Court, Madurai in HMOP.No.1 of 2007, dated 21.03.2017.

Prayer in CMA(MD).Sr.No.53653 of 2025: Appeal filed under Section 19 of the Family Court Act, to call for the records in pursuant to the fair order and decreetal order, dated 21.03.2017 passed in HMOP.No.1 of 2007 on the file of the Family Court, Madurai and set aside the same.

For Petitioner : Mr.M.Karthikeya Venkatachalapathy



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ORDER

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This petition has been filed seeking condonation of a delay of 2933 days in filing the above Civil Miscellaneous Appeal setting aside the order passed by the Family Court, Madurai in HMOP No.1 of 2007, dated 21.03.2017.

2. It is the case of the petitioner that he married the respondent on 27.11.2005 at Sri Meenakshi Amman Temple, Madurai, and out of the wedlock, a male child was born on 17.10.2006. After the birth of the child, the respondent-wife stayed in her parental home and, despite several efforts made by the petitioner-husband, she refused to join him. As his efforts have failed, the petitioner filed a divorce petition in HMOP No.1 of 2007 under Section 13(1)(i-a) of the Hindu Marriage Act. The said petition was dismissed by the Family Court on 21.03.2017.

3. The learned counsel for the petitioner submits that due to the nature of his work, the petitioner was frequently travelling out of station and he was unaware of the legal consequences of not filing an appeal in time. Hence, the present appeal has been filed with a delay of 2933 days, and the petitioner seeks



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condonation of 2933 days delay.

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4. We have heard the learned counsel for the petitioner and perused the materials available on record.

5. On perusal of the records and the affidavit filed in support of this petition, we find that the explanation offered for the inordinate delay is not satisfactory. It is the duty of the petitioner to explain the each and every day delay and the general statements about his travel or ignorance of legal consequences cannot be accepted as sufficient cause for such a prolonged delay. Ignorance of law is no excuse, and litigants are expected to act with due diligence. In view of the above, we are not inclined to condone the delay.

6. Accordingly, this Petition is dismissed. Consequently, CMA(MD).SR.No.53653 of 2025 is also rejected.

[A.D.J.C., J.] [R.P., J.]
12.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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**A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.**

trp

To:

The Family Court, Madurai

**ORDER MADE IN
CMP(MD).No.13153 of 2025 in
CMA(MD).SR.No.56353 of 2025**

DATED : 12.08.2025