



WEB COPY

CMP No. 4674 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMP No. 4674 of 2026

in

CMA SR.No.781 of 2026

M.Charumathi

..Appellant(s)

Vs

Muthuperumal

..Respondent(s)

For Appellant(s): Ms.Subhalaxmi Samanta

For Respondent(s): Mr.P.Saravanan

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

This petition has been filed seeking to condone the delay of 213 days in filing the appeal against the judgment and decree dated 22.04.2025 in HMOP No.4416 of 2012 on the file of the III Additional Principal Family Court, Chennai.

2.The respondent in the said petition is the appellant herein. The said petition has been filed seeking divorce on the ground of cruelty. Dissolution of Marriage had been granted.



3. Notice had been directed in this petition and the learned counsel had entered appearance.

4. In the affidavit filed, it had been stated that the counsel had applied for the judgment and decree copy and had given only those documents, but not the deposition and documents filed along with the petition. Thereafter, the petitioner had to seek the assistance of the Legal Aid Services and with the help of the Legal Aid counsel, the appeal had been preferred. In all these process, there is a delay.

5. A counter affidavit had been filed on behalf of the respondent questioning the reasons stated in the affidavit filed in support of the condone delay petition and there has been no further proof given for the statements made in the affidavit. But however, as a fact, the present petition has been filed by engaging Legal Aid counsel through the Legal Aid Services.

6. Taking all the factors into consideration, without entering into the merits of the judgment and decree, we would condone the delay. Accordingly, this petition stands allowed.

7. The Registry is directed to number the appeal, if it is otherwise in order.

(C.V.K.,J.) (K.R.S.,J.)
16-04-2026

smv



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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