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Order QR

C.M.P. No. 20663 of 2026

in

A.S.SR.No. 126953 of 2026

C.V. KARTHIKEYAN,J.

AND

S. RAVEEKUMAR,J.

(Order of the Court was made by ***C.V. KARTHIKEYAN,J.)***

This civil miscellaneous petition has been filed to condone the delay of 226 days in filing the appeal suit as against the judgment and decree dated 29.08.2025 passed in O.S. No. 297 of 2023 by the V Additional Family Court, Chennai.

2. The plaintiff therein is the petitioner herein. In the affidavit filed seeking to explain the reasons for the delay, it had been stated that there was intervention by elders, family members and Jamathdaars and there were police enquiries going on. The petitioner would further state that he was admitted in hospital for Angioplasty and was discharged only a week ago. All these issues contributed to the delay in filing the appeal.

3. Notice had been ordered to the respondent and Mr.M. Vijayakumar, learned counsel has entered appearance on behalf of the respondent.

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4. We hold that the reasons for the delay are acceptable and the delay should be condoned. However, it had been further contended by the learned counsel for the respondent that the child is now under the custody of the respondent and there was an obligation to pay monthly maintenance of Rs.25,000/- by the petitioner herein. We, therefore, called upon the petitioner to file an affidavit giving the details of the maintenance amount paid towards the child.

5. An affidavit has been filed stating that from February, 2026 till this date, the maintenance amount of Rs. 25,000/- is due and payable to the child. Learned counsel for the petitioner, to show *bona fides*, has handed over a Demand Draft for a sum of Rs.25,000/- to the learned counsel for the respondent, who had also received the same. However, that would still keep the liability around Rs.2,00,000/- to the petitioner herein and the learned counsel for the petitioner would state that the same would be paid in four instalments, once in every quarter. This would indicate that a sum of Rs.50,000/- (Rupees fifty thousand only), once in every quarter, should be paid by the petitioner towards the arrears of maintenance to the child upto October, 2026. Along with the same, there must be payment of monthly maintenance also.

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6. Learned counsel for the petitioner stated that the petitioner had handed over some gift items to the child which the respondent had returned. It is contended that the gift items were for the child and no harm would be caused if the child is permitted to take the gift items and have the pleasure of the same.

7. Learned counsel for the respondent may get specific instructions in this regard. Animosity may prevail between the petitioner and the respondent, but it should not flow over to the child. The petitioner may, therefore, once again hand over the gifts to the respondent and we hope that the respondent would permit the child to have the pleasure of playing with the gifts and toys that are forwarded by the petitioner.

8. The delay stands condoned and the civil miscellaneous petition is ordered as prayed for.

(C.V.K.J.) (S.R.K.J.)

nv 05.11.2026

(Note to Office: *Registry is directed to number the appeal, if it is otherwise in order and list it for admission in due course)*

C.V. KARTHIKEYAN,J.

AND

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