

REVISED**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO(S). OF 2026
(Arising out of SLP(C) No(s). /2026)
(@ D. No.1577/2026)****HEMANAND****APPELLANT(S)****VERSUS****GAUSALYA****RESPONDENT(S)****ORDER**

1. Delay condoned.
2. Leave granted.
3. Heard learned counsel for the parties.
4. The suit(s) of the appellant-husband for divorce was decreed by the Family Court on 01.03.2017. The said decision was challenged in appeal before the High Court. The appeal was not decided on merits but was allowed solely on the ground that the appellant-husband has not cleared arrears of maintenance.
5. As on date, allegedly the entire arrears have been paid by the appellant-husband.
6. The appeal before the High Court was against the decree of divorce. The High Court has not considered the validity of the said decree on merits. Even if the arrears of maintenance was not paid, it was no reason to dismiss the appeal without

adjudging the correctness of the decree.

7. In view of the aforesaid facts and circumstances, with the agreement of the learned counsel for the parties, we set aside the impugned order dated 28.01.2025 and remand the matter(s) to the High Court for considering the appeal being C.M.A. No. 3566 of 2019 in accordance with law, most expeditiously, on all issues that may be raised by the parties.

8. The present appeal(s) stand(s) allowed in the above terms.

9. Pending application(s), if any, shall stand disposed of.

.....J.
[PANKAJ MITHAL]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
MAY 08, 2026.
SD

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(Arising out of SLP(C) No(s). _____ /2026)
(@ D. No.1577/2026)

HEMANAND

APPELLANT(S)

VERSUS

GAUSALYA

RESPONDENT(S)

ORDER

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5. As on date, admittedly the entire arrears have been paid by the appellant-husband.
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[PANKAJ MITHAL]

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NEW DELHI;
MAY 08, 2026.
SD

ITEM NO.41

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)..... Diary No. 1577/2026

[Arising out of impugned final judgment and order dated 28-01-2025 in CMA No. 3566/2019 and 28-11-2025 in REV APLC No. 110/2025 passed by the High Court of Judicature at Madras]

HEMANAND

Petitioner(s)

VERSUS

GAUSALYA

Respondent(s)

(IA No. 52077/2026 - CONDONATION OF DELAY IN FILING; IA No. 52079/2026 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS; IA No. 52074/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No. 52075/2026 - EXEMPTION FROM FILING O.T.)

Date : 08-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. R. Anand Padmanabhan, Sr. Adv.
Mr. T. Hari Hara Sudhan, AOR
Ms. Ambika Sharma, Adv.
Mr. Jayakaran Kesavulu, Adv.
Mrs. K. Hemalatha, Adv.
Mr. M. Prashanth Kumar, Adv.
Mrs. S. Gomathi Lakshmi, Adv.
Mr. R. Poornachandiran, Adv.

For Respondent(s) Mr. Mayilsamy K, Adv.
Mr. P.M. Jayachandran, Adv.
Mr. Arun Pandian S, Adv.
Ms. Pragya Gupta, Adv.
Mr. Naijal Kumar P, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. Leave granted.
3. The present appeals are allowed in terms of

the signed order which is placed on the file.

4. Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)