

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR. JUSTICE M.SUNDAR

CMA No.1485 and 1575 of 2009
and
M.P.No.1 of 2009
in
CMA No.1485 of 2009

R.Kesavaraj

... Appellant in
both appeals

Vs.

S.Vijayalakshmi

... Respondent
in both appeals

Common Prayer:- Appeals filed under Section 19(1) of Family Courts Act, 1984 against the order and decree made in F.C.O.P.Nos.132 of 2004 and 70 of 2004 dated 24.09.2008 on the file of the Family Court, Salem.

For Appellant : Mr.T.Murugamanickam
in both appeals

Common Judgment

(Common Judgment of the Court was made by K.RAVICHANDRABAABU,J.)

These two appeals are filed in the year 2009 and they are listed before this court on 19.10.2016, after admitting the same on 22.06.2009. When the matter was taken up on 19.10.2016, it was noticed that service on the respondent was not done, as the appellant has not taken steps to pay batta for issuing notice to the respondent. Hence, on that day, the learned counsel for the appellant sought time to seek instruction from his client as the matter is listed after such a long time. Accordingly, the matter was once again listed on 26.10.2016, on which day, this court has specifically directed the learned counsel for the appellant to take fresh notice to the respondent through court

and privately returnable by 09.11.2016. Consequently, the matter is listed today.

2.The learned counsel Mr.T.Murugamanickam, submitted that he is not in a position to take steps to serve on the respondent, as his client is not getting the correct address of the respondent for sending the notice.

3.Considering the fact that these appeals are of the year 2009 and till this date, the appellant has not taken steps to serve notice on the respondent, we find that keeping these appeals pending all these years without serving on the other side is unnecessary, as the appellant has not shown any interest and duly prosecuted the matter by taking steps to serve notice on the other side. Accordingly, these appeals are dismissed for non prosecution. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Vri

To

The Family Court,
Salem

Copy to

The Section Officer
VR Section,
High Court, Madras

2 ccs to Mr.T. Muruganickam, Advocate, Sr. 64302, 64303

CMA Nos.1485 and 1575 of 2009

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