

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE MRS. JUSTICE ANIS

C.M.A. No. 4209 OF 2004

J U D G M E N T: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The Civil Miscellaneous Appeal is preferred by the wife against the respondent-husband calling in question the judgment rendered by the Senior Civil Judge's Court at Peddapalli in O.P.No. 42 of 2003. The said O.P. was instituted by the respondent husband. The averments contained in the O.P. leave much to be desired from the conduct of both the parties. It is the case of the husband that the appellant-wife has left his company and living with another woman in an un-holy alliance. Consequently, he also got married a second time with the sister of the appellant and started living with her as wife and husband. In the peculiar circumstances, which were noticed by the Court below, it has come to the conclusion that it would be appropriate to dissolve the marriage between the parties and accordingly, granted divorce as prayed for by the respondent husband.

To this Civil Miscellaneous Appeal, only respondent impleaded is the husband of the appellant, but however, for affecting service on him, his address has been described as Sri Choppari Bhoomaiah, S/o Yellaiah, aged about 45 years, Singareni Employee, R/o Vittalnagar locality of Godavarikhani Town.

Singareni Collieries Company is one of the intensive manpower industries having its headquarters at Kothagudem and is having collieries/open-cast mines at various other places spread over three or four districts. Therefore, the address furnished by the appellant is so inadequate to get the service affected on the respondent in the Appeal. As a consequence, notices have not been delivered to him so far. On 18.01.2012, a Division Bench of this Court granted permission to the learned counsel for the appellant to take out notice to the respondent and file proof of service and again, a similar order was passed on 02.02.2012. In fact, the postal authorities have returned the

cover with an endorsement that the address is insufficient for affecting service. Thus, from February 2012 onwards, time is granted for getting the address of the respondent correctly and then, getting the service affected on him. So far, no such steps have been taken for furnishing the correct address of the respondent-husband. By our order dated 18.01.2016, we have, in fact, indicated that this Appeal being one of the oldest matters pending in this Court, if no steps are taken for serving the respondent, within a further period of two weeks from that day, it would be decided *ex parte*. When we called the matter again on 01.02.2016, none appeared on behalf of the appellant for addressing the arguments either and no steps are also taken to affect service on the respondent. Hence, as a last chance, we adjourned the case on 01.02.2016. Today, when the matter is called, none appeared on behalf of the appellant. There is also no representation on her behalf when her name is called. In this view of the matter, we infer that the appellant has no sustaining interest to pursue this Appeal.

When we have perused the findings of the Court below, we also infer the reasons why the appellant is lacking any interest in pursuing this matter. Hence, the Civil Miscellaneous Appeal stands dismissed for non-prosecution. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

08th February 2016

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