

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2017

Coram

The Honourable Mr.Justice R.SUBBIAH
and
The Hon'ble Mr.Justice A.D.JAGADISH CHANDIRA

C.M.P.No.11044 of 2017 in CMA No.SR.100737 of 2015

Mr.Suresh Kumar .. Petitioner/Appellant

..vs..

S.M.Ramya Priyadharshini ..Respondent/Respondent

Civil Miscellaneous Petition filed under Section 19(3) of Family Court Act r/w Section 151 of CPC to condone the delay of 51 days in filing the Civil Miscellaneous Appeal against the fair and final order dated 21.08.2015 passed in I.A.No.1657 of 2014 in HMOP No.4843 of 2013 on the file of II Additional Family Court, Chennai.

For Petitioner/Appellant : No Appearance

For Respondent : Mr.P.Tamilvel

JUDGMENT

(Judgment of the Court was delivered by R.SUBBIAH,J.,)

When the matter was taken up for hearing on 24.07.2017, there was no representation for the petitioner and hence the matter was directed to be listed under the caption "For Dismissal" on 27.07.2017. On 27.07.2017, when the matter was taken up for hearing, there was no representation for the petitioner and hence the matter was directed to be listed under the same caption on 31.07.2017. On 31.07.2017, when the matter was taken up for hearing, there was no representation for the petitioner. The counsel for the respondent present and seeks time to file counter and hence the matter was directed to be listed today under the same caption.

2.Today, when the matter was taken up for hearing at 10.30 A.M., there was no representation for the petitioner/appellant. The counsel for the Respondent present and was ready to argue the matter. Hence, the matter was passed over. Again when the matter was taken up for hearing at 12.30 P.M., there was no

representation for the petitioner. Though the petitioner was given ample opportunities on earlier three occasions to prosecute his case, he has not chosen to prosecute the case either in person or through his counsel.

3. Hence, we are of the view that the petitioner has no interest in prosecuting this case. Hence, we dismiss this petition seeking to condone the delay in filing the CMA No.SR.100737 of 2015, for non prosecution. Consequently, CMA No.SR.100737 of 2015 stands dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gr.

To:

The II Additional Judge,
Family Court, Chennai.

+1cc to Mr.P.Tamilavel, Advocate, S.R.No. 54782

PPA (CO)
GN(18/09/2017)

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C.M.A.No.SR.100737 of 2015

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