

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A.No.3364 of 2013

and

MP.No.1 of 2013, CMP Nos.4848 of 2016 & 14942 of 2017

P.Nirmala Devi ... Appellant/Respondent/
Petitioner

Vs.

T.M.Sembian00 ... Respondent/Petitioner/
Respondent

Prayer:- Civil Miscellaneous Appeal preferred under Order 43 Rule 1(a) of Civil Procedure Code, against the order of dismissal passed by the learned 1st Additional Judge, Family Court, Chennai in I.A.No.252 of 2008 in OP.No.1907 of 2004 dated 30.06.2009, dismissing the IA.No.252 of 2008 filed to set aside the ex-parte Decree declaring the marriage as a nullity.

For Appellant : Mr.R.Balasubramanian

For Respondent : Mr.S.G.Mohiddin

WEB COPY
JUDGMENT

[JUDGMENT OF THE COURT WAS DELIVERED BY C.T.SELVAM, J]

The Civil Miscellaneous Appeal arises against the order of dismissal passed by the learned 1st Additional Principal Judge, Family Court, Chennai in I.A.No.252 of 2008 in OP.No.1907 of 2004 dated 30.06.2009 seeking to set aside the ex-parte order.

2. The petitioner was set ex-parte in O.P.No.1907 of 2004 on the file of First Additional Family Court, Chennai on 05.01.2008. She moved I.A.No.252 of 2008 seeking relief under Order IX Rule 13 of C.P.C. Under order dated 30.06.2009, Court below was pleased to dismiss such petition. There against, the present Civil Miscellaneous Appeal has been filed .

3. Heard learned counsel for appellant and learned counsel for respondent.

4. This Civil Miscellaneous Appeal does not survive consideration, as the same has been presented before this Court for the first time on 30.04.2010 and even there before the main case in O.P.No.1907 of 2004 has been disposed of by Court below on 05.01.2008.

5. In such circumstances, the Civil Miscellaneous Appeal shall stand dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmi

To:

1. The 1st Additional Judge,
Family Court, Chennai.

2. The Section Officer,
V.R.Section,
High Court, Madras.

+1 CC to Mr.S.G.Mohiddin, Advocate Sr.No.86752

C.M.A.No.3364 of 2013

GJ(CO)
KP(25/01/2018)