

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A.(NPD).No.2825 of 2004
and
C.M.P.Nos.16276 of 2004 and 3170 to 3172 of 2007

Fathima (alias) Adaikala Mary .. Appellant

Vs.

A.Sathiyathan .. Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act against the order and decree dated 14.07.2004 in O.P.No.41 of 2002 on the file of the Principal District Court, Cuddalore.

For appellant : No appearance

For respondents: Sole respondent - died.

JUDGMENT

(The Judgment of the Court was delivered by Pushpa Sathyanarayana,J)

The O.P. was filed by the husband in a matrimonial dispute under Section 22 of the Divorce Act for judicial separation. The said O.P. was decreed, against which, this appeal is preferred by the wife. The first counsel who filed the appeal is no more. A perusal of the case papers in

the Court bundle indicates that the respondent has died even in the year 2004, i.e. on 24.12.2004 itself. It also appears that there are petitions to condone the delay in bringing the legal representatives of the deceased respondent on record, set aside the abatement caused on the death of the respondent and to bring on record the legal representatives of the deceased respondent. As the relief in the main O.P. itself is a personal relief, the death of the respondent-husband would only abate the appeal. Accordingly, the appeal is dismissed as abated. No costs. Consequently, all the C.M.Ps. are closed.

(P.S.N.J) (R.S.M.J)
04.01.2017

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Copy to

1. The Principal District Judge, Cuddalore.
2. The Record Keeper, V.R. Section, High Court, Madras.

PUSHPA SATHYANARAYANA, J
and
R.SUBRAMANIAN, J

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