

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and
THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

C.M.A. No. 1932 of 2017

V. Elakiya .. Appellant

Versus

N. Manoharan .. Respondent

Appeal filed under Section 19 of the Family Courts Act, 1984 against the Judgment and Decreetal Order dated 02.12.2016 passed in HMOP No. 52 of 2012 on the file of Subordinate Judge, Thiruvallur.

For Appellant : Mr. G. Balasubramaniam
For Respondent : Mr. K. Surendranath

JUDGMENT

(JUDGMENT OF THE COURT WAS DELIVERED BY **R. SUBBIAH, J**)

The appellant/wife has come forward with this Civil Miscellaneous Appeal as against the Judgment and Decreetal Order dated 02.12.2016 passed in HMOP No. 52 of 2012 on the file of Subordinate Judge, Thiruvallur. By the said Judgment dated 02.12.2016, the learned Subordinate Judge decreed the Original Petition filed by the respondent herein and granted a decree of divorce dissolving the marriage solemnised between the appellant and the respondent on 14.06.2009.

2. We have heard the learned counsel for the appellant as well as the

respondent. On perusal of the records, we find that as against the Judgment and

Decree passed by the learned Subordinate Judge, Thiruvallur, the instant appeal under Section 19 of the Family Courts Act is not maintainable and the remedy open to the appellant is to prefer an appeal before the appellate Court having jurisdiction to entertain the appeal. In such view of the matter, we are of the view that the present appeal is not maintainable before this Court. On this ground alone, we dismiss the Civil Miscellaneous Appeal. No costs. Office is directed to return the certified copy of the Judgment and Decree dated 02.12.2016 passed in HMOP No. 52 of 2012 on the file of Subordinate Judge, Thiruvallur to the appellant so as to enable her to prefer an appeal before the competent appellate Court having jurisdiction.

(R.P.S.J.) (A.D.J.C.J.)

16-08-2017

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Index : Yes / No

To

The Subordinate Judge
Thiruvallur.

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R. SUBBIAH, J
and
A.D. JAGADISH CHANDIRA, J

rsh



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