

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.12.2018

CORAM :

THE HONOURABLE MRS. JUSTICE M.V.MURALIDARAN

C.M.S.A. No. 49 of 2008

P. Rajesh

... Appellant

.Vs.

K. Gayathri

..Respondent

Prayer : This Civil Miscellaneous second appeal has been filed under Section 28 of Hindu Marriage Act against the Judgment and Decree dated 28.01.2008 made in C.M.A. 17 of 2006 on the file of the Additional District and Fast Tract Court, Dharmapuri confirming the Judgment and decree dated 02.04.2004 made in H.M.O.P.No. 54 of 2002 on the file of the Subordinate Court, Dharmapuri.

For appellant :Mr. P. Rajesh(No Appearance)

For Respondents : Mr.T. Ravikumar(No Appearance)

J U D G M E N T

This Civil Miscellaneous Second Appeal is filed against the Judgment and Decree dated 28.01.2008 made in C.M.A. 17 of 2006 on the file of the Additional District and Fast Tract Court, Dharmapuri confirming the Judgment and decree dated 02.04.2004 made in H.M.O.P.No. 54 of 2002 on the file of the Subordinate Court, Dharmapuri.

2. This Civil Miscellaneous Appeal is admitted on raising the following substantial question of law:

a) Whether the Courts below correct in rejecting the appellant's claim for divorce when the respondent's own writings in Ex.A4 and E-A5 really cause cruelty?"

3. Thereafter, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre attached to this Court. But both parties failed to appear before the Mediation Centre. Hence, the matter was referred back to the Regular Court.

4. When the matter was listed on 17.12.2018, there was no representation for the appellant and the learned counsel for the respondent is present, hence the matter is adjourned to 19.12.2018. Even today i.e on 19.12.2018 when the matter is called there is no representation for both sides. Therefore, it is clear that both the parties are not interested to pursue the matter and this Civil Miscellaneous Second Appeal is pending from the year 2008 onwards i.e 10 years. Accordingly, this Civil Miscellaneous Second Appeal is dismissed for non prosecution. No costs.

Sd/-/-

Assistant Registrar(CS)

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Sub Assistant Registrar

smn

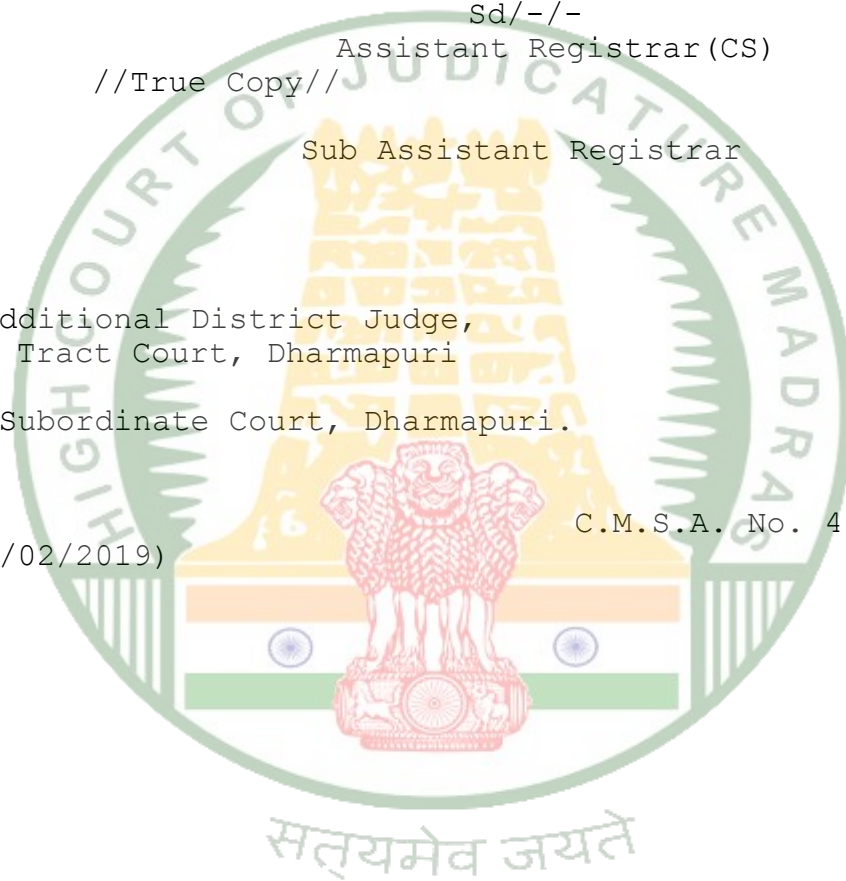
To.

1.The Additional District Judge,
Fast Tract Court, Dharmapuri

2. The Subordinate Court, Dharmapuri.

A.SK(14/02/2019)

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