

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CMSA.No.39 of 2014

and

MP.No.1 of 2014

A. Arunprasath ... Appellant

Versus

V. Thenmozhi ... Respondent

Civil Miscellaneous Second Appeal filed under Article 28 of Hindu Marriage Act, 1955 read with Section 100 of Civil Procedure Code, to set aside the Judgment and Decree passed in C.M.A.No.14 of 2013 dated 18.07.2014 on the file of the learned Principal District Judge, Cuddalore in confirming the Judgment and decree passed in H.M.O.P.No.110 of 2011 dated 14.02.2013 on the file of the learned Principal Subordinate Judge, Cuddalore.

For Appellant : Mr.C.K.Suresh,
No Appearance

O R D E R

The Civil Miscellaneous Second Appeal is filed by the appellant praying to set aside the Judgment and Decree dated 18.07.2014 made in C.M.A.No.14 of 2013 before the learned Principal District Judge, Cuddalore and confirming the Judgment and decree dated 14.02.2013 made in H.M.O.P.No.110 of 2011 by the learned Principal Subordinate Judge, Cuddalore.

2. When the matter was taken up for hearing on 10.08.2018, there was no representation for both sides and it was directed to be posted after two weeks. Again on 31.08.2018, there was no representation for the appellant side and the Registry was directed to list this Civil miscellaneous second appeal under the caption 'for dismissal' on the next single sitting date. Hence, this matter was listed on 01.10.2018.

3. On 01.10.2018, when the matter was called, none appeared for both sides and the matter was not listed under the caption 'for dismissal'. Therefore, on 01.10.2018, Registry was again directed to list the matter under the caption 'for dismissal' on 03.10.2018.

4. Today, when the matter is taken up for hearing, there is no representation for both sides, inspite of the matter being listed under the caption 'for dismissal'. This shows that the counsels are not interested in prosecuting the case. Hence, this Writ Petition is dismissed for non prosecution. Consequently, connected miscellaneous petition is closed. No costs.

03.10.2018

klt

V.BHAVANI SUBBAROYAN,J.

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