



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A (MD) No.1025 of 2013

and

M.P. (MD) No.1 of 2013

Mahadevan

... Appellant/Respondent

Vs.

Kalaiyarasi

... Respondent/Petitioner

PRAYER:- Appeal filed under Section 55 of the Divorce Act, 1869, to set aside the judgment and decree dated 27.08.2012 passed in H.M.O.P.No.223 of 2010 on the file of the Principal Subordinate Judge, Trichirappalli.

For Appellant : Mr.N.R.Balaji Srinivaasan

For Respondent : Mr.J.Anandakumar

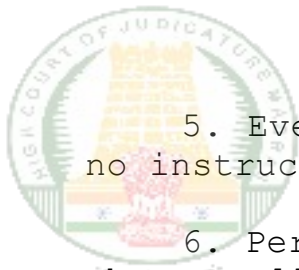
JUDGMENT

This civil miscellaneous appeal is directed against the divorce decree granted by the learned Principal Subordinate Judge, Trichirappalli, in H.M.O.P.No.223 of 2010, dated 27.08.2012.

2. Heard the learned Counsel appearing on either side and perused the records carefully.

3. It is seen that the marriage between the parties took place in the year 1994 and out of the wedlock, they have two children. The respondent / wife has filed the H.M.O.P., petition seeking divorce in the year 2010, which was allowed as prayed for. Challenging the same, the appellant / husband is on appeal before this Court.

4. Perusal of the Court bundle would show that the present appeal was filed in the year 2013 and the same was adjourned periodically either on the request of the learned Counsel for the appellant for getting instructions or on his absence to represent the appellant before this Court.



5. Even today, the learned Counsel for the appellant reported no instructions.

6. Perusal of the order passed by the learned Judge shows that the appellant / husband and the respondent / wife are living separately right from 2008 and the judgment and decree has been passed in the year 2012 and this appeal has been filed in the year 2013. So far, for the past eleven years, the appellant / husband and the respondent / wife are living separately and even today, the learned Counsel for the appellant reported no instructions.

7. In view of the same, this Court is of the opinion that no useful purpose would be served by keeping this appeal pending and therefore, this Court has no other option except to dismiss the appeal.

8. In result, this civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Principal Subordinate Judge,
Trichirappalli.

Gk

AE/SKN RSK/SAR4/24.07.2018/2P/2C

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and
M.P. (MD) No.1 of 2013
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