

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.S.A.Nos.7 and 8 of 2008

Chinnappan

... Appellant in both CMSAs

Vs

1. Maheswari

... Respondent in both CMSAs

2. Masilamani

.... Respondent in C.M.S.A.No.8 of 2008

Common Prayer: This Civil Miscellaneous Second Appeal is filed under Section 28 of Hindu Marriage Act, r/w 100 pf Code of Civil procedure, against the Judgment and Decree dated 05.11.2007 made in C.M.A.No.26 & 27 of 2006 on the file of the District Judge, Nagapattinam reversing the Judgment and Decree dated 22.06.2004 made in H.M.O.P.No.88 of 2003 and HMOP No.24/02 on the file of the Principal Sub Judge, Nagapattinam.

For Appellant in both CMSAs : No appearance

For Respondent in both CMSAs : Mrs.S.Sujatha
Legal aid counsel

COMMON JUDGMENT

This Civil Miscellaneous Second Appeal is filed against the Judgment and Decree dated 05.11.2007 made in C.M.A.No.26 of 2006 on the file of the District Judge, Nagapattinam reversing the Judgment and Decree dated 22.06.2004 made in H.M.O.P.No.88 of 2003 on the file of the Principal Sub Judge, Nagapattinam.

2. Earlier, when the matter was taken up for hearing on 21.12.2018, there was no representation for the appellant in both the cases and hence the matter was directed to be listed on 03.01.2019 under the caption "for dismissal". Even today i.e 03.01.2019, there is no representation for the appellant. The legal aid counsel has appeared for respondents in both the cases. Since the matter is pending from 2008 onwards, even after lapse of 10 years, the appellant has not shown any interest to proceed with the case. Hence, the Civil Miscellaneous Second Appeals are dismissed for non prosecution.

The Legal Aid Services authority attached to this Madras High Court is directed to pay a sum of Rs.2,000/- (Rupees two thousand only) to Mrs.S.Sujatha, legal aid counsel who appears for respondents in both the cases.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vum

To

1. The District Judge, Nagapattinam.
2. The Principal Sub Judge, Nagapattinam
3. The Member Secretary,
The High Court Legal Aid Services Authority,
High Court, Madras.

Copy To : The Section Officer, VR Section,
High Court, Madras.

+2ccs to M/s.S.Sujatha, Advocate SR.No.279

C.M.S.A.Nos.7 and 8 of 2008

RSV(CO)
GMY(05/03/2019)

सत्यमेव जयते

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