

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.S.A.No.24 of 2007

Poongudi Appellant/Respondent

versus

Sekar @ Ramasamy ...Respondents/Appellant

Prayer : The Civil Miscellaneous Second Appeal is filed against the Judgment and Decree dated 02.12.2006 made in C.M.A.No.15 of 2004 on the file of the Additional District Court / Fast Track Court No.2 Salem, reversing the Judgment and Decree dated 26.02. 2003 made in H.M.O.P. No 12 of 2001 on the file of the Sub Court Sankari.

For Appellant : Mr.D.Shivakumaran

For Respondent : Mr.P.Jagadeesan

J U D G M E N T

This Civil Miscellaneous Second Appeal is filed against the Judgment and Decree dated 02.12.2006 made in C.M.A.No.15 of 2004 on the file of the Additional District Court / Fast Track Court No.2 Salem, reversing the Judgment and Decree dated 26.02. 2003 made in H.M.O.P. No 12 of 2001 on the file of the Sub Court Sankari.

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

"Whether the first appellate Court is right in law in granting the decree on the ground that the appellant/ wife is living separately even after the decree of restitution of conjugal rights, especially when there are evidence to show that the parties herein lived together as husband and

wife after the decree in Ex.A.2 in the light of the admitted facts?"

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

4. When the matter is listed today, it is reported by both the counsels that the appellant as well as respondent are not interested in re-union. It is also seen from the records that both the parties are living separately for more than 15 years. Accordingly, this Civil Miscellaneous Second Appeal is dismissed. No costs.

smn

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Additional District Court/
Fast Track Court No.2, Salem

2.The Subordinate Court,
Sankari.

+1cc to Mr.P.Jagadeesan Advocate, SR.No.3298

+2cc to Mr.D.Shivakumaran, Advocate, SR.No.33339 & 3487

C.M.S.A.No.24 of 2007

Kak(02/05/2019)

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