

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
C.M.S.A No.1 of 2009

E.Dhanapal

...Appellant

Vs.

1.E.Brinda

2.Rukmani

...Respondents

Prayer: Civil Miscellaneous Second Appeal filed under Order 43 Rule 1 CPC read with Section 100 of CPC against the judgment and decree dated 25.04.2008 rendered in CMA No.23 of 2007 on the file of the Principal Subordinate Judge, Salem, reversing the order and decree in S.O.P.No.39 of 2004 dated 25.01.2005 on the file of the I Additional District Munsif, Salem.

For Appellant : Mr.M.Deivanandam

For Respondents: No Appearance

J U D G M E N T

This Civil Miscellaneous Second Appeal has been directed against the impugned judgment and decree passed by the learned I Appellate Court, remanding the matter back to the trial Court.

2.Even after these ten years, when the matter was taken up for hearing, the Registry records would show that the address of the second respondent given by the appellant is mislead and not a correct address. As a result, the second respondent has not been served.

3. It is also relevant to extract the address given by the appellant in the memorandum before the trial court in the amended plaint and also in the memorandum of grounds of appeal, which is as follows:

"2.Rukmani, Wife of Panneerselvam, C/o Kasiyammal, Hindu, aged about 30 years, residing at Anna Nagar, Near Veterinary Hospital, Kolathur post, Mettur Dam, Mettur Taluk, Salem District."

4. Since the appellant has not given the correct address of the second respondent, no purpose would be served, as he has attempted to obtain wrong order.

Therefore, this Court, taking note of the fact that the appellant has come to this Court with unclean hands and has given wrong address of the respondent, is not inclined to entertain this appeal. Thus, the civil miscellaneous second appeal is dismissed. No costs.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

vri

To

1.The Principal Subordinate Judge,
Salem.

2.The I Additional District Munsif,
Salem.

+1cc to Mr. Srividhya.M, Advocate SR.No.46870

+1cc to Mr.M.Deivanandam , Advocate SR.No. 47414

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A.SK(22/07/2019)



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