

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

CMA.No.2197 of 2011

N.Dillibabu ... Appellant/ Petitioner

J.Saroja ... Respondent/ Respondent

Prayer: Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act, 1984, to set aside the order in H.M.O.P.No.208 of 2007, dated 15.09.2010, on the file of the Additional District Fast Track Court No.II, Poonamallee, Chennai.

For Appellant : Mr.V.Chandrakanthan

For Respondent : No appearance

JUDGMENT

The appellant is the husband who is aggrieved by the fair and decreetal order passed in HMOP.No.208 of 2007 on 15.09.2010. The appellant and the respondent got married on 07.03.2004 and registered the marriage on 10.03.2004. Earlier the respondent was married and had three children through her first marriage. After the marriage, the appellant filed a petition in HMOP.No.208 of 2007 under Section 13(1) (ia) of the Hindu Marriage Act, 1955 for dissolution of the marriage between the appellant and the respondent solemnized on 07.03.2004.

2. The main allegation of the appellant in the said HMOP was that the respondent has suppressed her living age and stated that she was only 30 years while she was indeed 50 years and that the respondent had abused and file a false complaint against the appellant that he had married the respondent only for her property and physically tortured her.

3. The respondent on the other hand denied the averment and stated that the appellant had married the respondent only with an intention to grab money and property of the respondent by under the guise of love and had stayed with the respondent's house with her children. It was only in these circumstances, the marriage was solemnized and later, got registered and stated that the petition was liable to be

dismissed as vexatious.

4. Before the trial Court, both the appellant and the respondent were examined. On behalf of the appellant two witnesses were examined and on behalf of the respondent, the respondent herself appeared as witness. On behalf of the appellant four documents were marked where as the respondent was marked five documents. After considering the evidences on record, the Court has come to the conclusion that no case had been made out. Aggrieved by the same, the appellant has filed the present civil miscellaneous appeal.

5. I have heard the learned counsel for the appellant. There is no representation on behalf of the respondent.

6. I have perused the impugned order passed by the II Additional Judge, Fast Track Court No.II, Poonamallee, Chennai. The order passed by the learned II Additional Judge requires no interference. In view of the same, this Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

arb
To

1. The Additional District Judge,
Fast Track Court No.II, Poonamallee,
Chennai.
2. The Section Officer,
Vernacular Section, Madras High Court.

+1cc to Mr.V.Chandrakanthan , Advocate SR.No. 82696

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A.SK(20/01/2020)

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