

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.S.A. Nos.17 & 18 of 2018
and C.M.P. No.14928 of 2018

Ravikumar ... Appellant in both cases

-VS-

R.Revathi ... Respondent in both cases

Prayer in both cases: Civil Miscellaneous Second Appeals filed under Section 100 of Civil Procedure Code against the judgment and decree dated 18.02.2017 made in C.M.A. Nos.6 & 7 of 2015 on the file of the District Judge, Tiruvarur confirming the judgment and decree dated 27.04.2015 made in H.M.O.P. Nos.14 & 25 of 2012 on the file of the Subordinate Judge, Tiruvarur.

For Appellant in both cases : Mr.B.Ramamoorthy

For Respondent in both cases: Mr.S.Sounthar

COMMON JUDGMENT

The Civil Miscellaneous Second Appeals have been filed against the judgment and decree dated 18.02.2017 made in C.M.A. Nos.6 & 7 of 2015 on the file of the District Judge, Tiruvarur confirming the judgment and decree dated 27.04.2015 made in H.M.O.P. Nos.14 & 25 of 2012 on the file of the Subordinate Judge, Tiruvarur.

2.It is seen that after the marriage between the appellant and the respondent was solemnised on 01.06.2008 at Thirupathy Venkatachalapathy Devasthanam, as per Hindu rites and customs, a reception was held on 03.06.2008 at Thiruvarur. Subsequently, they left for Hosur where the appellant has been employed and the respondent gave birth to a female child Rashmika. Thereafter, during the month of June 2011, the respondent left the matrimonial home even without informing the appellant. After a long gap, the respondent preferred a complaint before the Hosur All Women Police Station and the appellant was summoned. However, the respondent with the help of police, on the pretext of having come to live with the appellant, broke open the house

and left with all the jewellery and house hold articles including 45 sovereigns of jewels purchased by the appellant. In the meanwhile, a petition in H.M.O.P. No.14 of 2012 seeking the relief of divorce filed by the appellant and a petition in H.M.O.P. No.25 of 2012 seeking the relief of restitution of conjugal rights have been tried together and the learned Sub Judge, Tiruvarur, allowing the restitution of conjugal rights filed by the respondent, dismissed the divorce petition filed by the appellant. Aggrieved thereby, the appellant filed Civil Miscellaneous Appeal Nos.6 & 7 of 2015 before the District Judge, Tiruvarur and the same were also dismissed. As against the same, the appellant is before this Court.

3.When the matter is taken up for hearing, learned counsel appearing for the appellant submitted that the respondent wife has taken physical possession of the flat owned by the appellant and letting out the same, she has been earning sufficient monthly rent. In any event, both of them have parted with for a long time.

4.Learned counsel appearing for the respondent submitted that the respondent is still willing to live with the appellant and the private complaint filed by her was withdrawn.

5.At this stage, learned counsel appearing for the appellant fairly submitted that the appellant is also interested to live with the respondent.

6.Since both the learned counsels have expressed their views on their clients that they are preparing to live together, this Court finds no merit in the C.M.S.As. Accordingly, the Civil Miscellaneous Second Appeals are dismissed. Consequently, connected M.P. is closed. No costs.

7.The appellant is directed to abide by the order passed by the Sub Court, Thiruvarur allowing the restitution of conjugal rights.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

vga

To

1.The District Judge,
Tiruvavarur

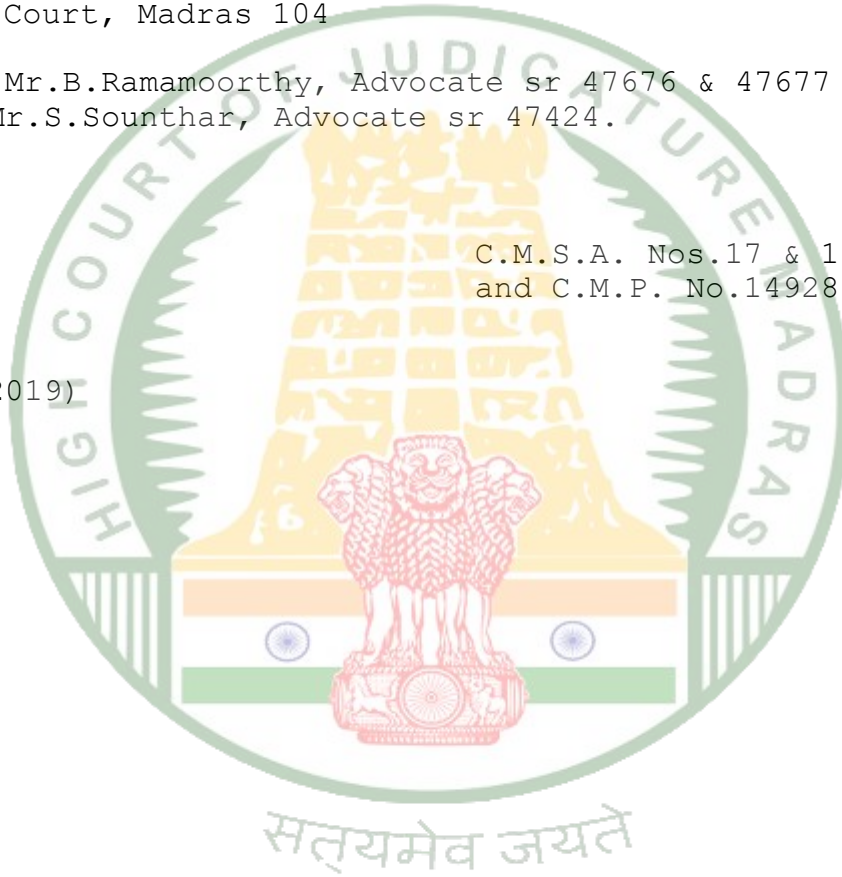
2.The Subordinate Judge,
Tiruvavarur.

Copy to
The Section officer
VR Section
High Court, Madras 104

+2 Ccs to Mr.B.Ramamoorthy, Advocate sr 47676 & 47677
+1 CC to Mr.S.Sounthar, Advocate sr 47424.

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SSV(CO)
SP(14/10/2019)



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