



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Eighth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMSA(MD) . No.35 of 2009

V.EASWARAN, ... Appellant/Appellant/Petitioner

Vs

JEYALAKSHMI ... Respondent/Respondent/Respondent

Prayer:-

Civil Miscellaneous Second Appeal filed under Section 28 of the Hindu Marriage Act, read with Section 100 of Civil procedure code, against the judgment and decree dated 15/07/2009 passed in H.M.C.M.A.No. 2/2015 on the file of the Additional District cum Fast Track Court, Periyakulam, confirming judgment and decree dated 22.11.2004 passed in H.M.O.P.No. 63/2002 on the file of the Subordinate Court, Periyakulam.

DECREE:-

This Civil Miscellaneous Second Appeal coming on for hearing on Monday, The Twenty Ninth day of August Two Thousand and Nineteen and upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Suit and upon hearing the arguments of K. APPADURAI, Advocate for the Appellant and of K. ASOK KUMAR RAM, Advocate for the respondent, and having stood over for consideration this Court while allowing the appeal doth order and decree as follows:-

(1) that the Judgment and Decree dated 15/07/2009, made in H.M.C.M.A.No. 2/2015 on the file of the Additional District cum Fast Track Court, Periyakulam, confirming judgment and decree dated 22.11.2004, made in H.M.O.P.No. 63/2002 on the file of the Subordinate Court, Periyakulam be and hereby are set aside and this appeal is allowed;

(2) that the marriage solemnized between the appellant and the respondent on 26.02.2001 do stand dissolved and a decree for divorce as prayed for by the Appellant herein /husband is granted;and



(3) that there be no costs in this Civil Miscellaneous Second Appeal.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS)

TO

1. The Additional District cum Fast Track Court,
Periyakulam.
2. The Subordinate Judge,
Periyakulam.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.K.APPADURAI, Advocate
(SR-84040 dated 29/08/2019)

+1 CC to M/s.K.ASHOKKUMAR RAM, Advocate
(SR-84289 dated 29/08/2019)

ORDER DATED : 28/08/2019

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DECREE
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CMSA (MD) . No.35 of 2009

Nature of Decree:- Allowing
the Civil Miscellaneous Second Appeal filed
against the judgment & decree dt.15/07/09
passed in H.M.C.M.A.No.2/2015 on the file of
the Additional District cum Fast Track
Court, Periyakulam confirming judgment and
decree dated 22.11.2004 passed in H.M.O.P.No.
63/2002 on the file of the Subordinate Court,
Periyakulam, etc., as stated within.

KM/ (23.09.2019) 2P 7C