



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fifth day of September Two Thousand and Nineteen

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

C.M.S.A.(MD). No.35 of 2010

S.SIVAKUMAR ... Appellant/Appellant/Petitioner

Vs

1 C.SUMATHI

2 MURUGESAN ...Respondents/Respondents/ Respondents

(R2 - Dismissed vide Court
Order dated 07.03.2012)

Prayer :

Civil Miscellaneous Second Appeal is filed under section 28 of the Hindu Marriage Act, 1955 read with Section 100 of Civil Procedure Code, against the common judgment and decree dated 23.02.2010 made in C.M.A.No.36/2009 on the file of the Principal District Judge, Trichirappalli, reversing the order dated 13.02.2009 made in H.M.O.P.No.239/2004 on the file of the Learned Principal Sub Judge, Trichirappalli.

Decree:

Civil Miscellaneous Second Appeal is coming on Tuesday the Thirteenth day of April, Two Thousand and Nineteen and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in this Appeal and upon hearing the arguments of Mr.P.Arun Jayatram, Advocate for the Appellant and of Mr.S.Ramesh @ Ramiah, Advocate for the 1st Respondent and this Court while Allowing the Appeal and set aside the order passed by the Tribunal below and having stood over for consideration till this date, doth order and decree as follows:

1.That the judgment and decree dated 23.02.2010 made in C.M.A.No.36/2009 on the file of the Principal District Judge, Trichirappalli, reversing the order dated 13.02.2009 made in H.M.O.P.No.239/2004 on the file of the Learned Principal Sub Judge, Trichirappalli be and hereby is set aside and Civil Miscellaneous Second Appeal is Allowed;



2.That there be no costs, in this Civil Miscellaneous Second Appeal.

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// True Copy //

Sd/-

Assistant Registrar

Sub Assistant Registrar(CS)

To

1. The Principal District Judge, Trichirappalli.
2. The Principal Subordinate Judge, Trichirappalli.

Copy to:

The Section Officer, (2 Copies),
VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.RAMEH @ RAMIAH, Advocate SR-85292.

+1 CC to Mr.P. ARUN JAYATRAM, Advocate SR-85394.

ORDER DATED : 05/09/2019

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DECREE
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CMSA(MD). No.35 of 2010

Nature of Decree : Allowing the Civil Miscellaneous Second Appeal the judgment and decree dated 23.02.2010 made in C.M.A.No.36/2009 on the file of the Principal District Judge, Trichirappalli, reversing the order dated 13.02.2009 made in H.M.O.P.No.239/2004 on the file of the Learned Principal Sub Judge, Trichirappalli etc. as stated within.

CS: 01/11/2019 2P 5C