

always ready and willing to live together with the appellant.

4. Before the Trial Court, on the side of the appellant, 3 witnesses were examined and 5 documents, Exs.P-1 to P-5 were marked and on the side of the respondent, 2 witnesses were examined as R.W.1 and R.W.2, however, no document was marked.

5. The Trial Court, taking into consideration the case of both the parties, dismissed the Original Petition. Aggrieved over the same, the appellant preferred an appeal in C.M.A.No.9 of 2009 on the file of the Principal District Court, Coimbatore and the Lower Appellate Court also confirmed the order passed by the Trial Court in H.M.O.P. No.30 of 2007. Aggrieved over the concurrent Judgments of the courts below, the appellant has filed the above Civil Miscellaneous Second Appeal.

6. On a careful consideration of the materials available on record and the submissions made by the learned counsel on either side, it could be seen that the appellant had miserably failed to establish the plea of cruelty before the courts below. In fact, P.W.3, who was examined on the appellant, herself had deposed in favour of the respondent and stated that the respondent had not committed any cruelty and the appellant and the respondent are living happily. Further, the evidence of P.W.1 and P.W.2 also did not support the case of the appellant. On the contrary, the evidence of R.W.1 and R.W.2 supported the case of the respondent and they have stated that the respondent had not treated the appellant cruelly. In the absence of any evidence in support of the appellant, the courts below have concurrently dismissed the Original Appeal.

7. The appellant has not raised any substantial question of law in the Civil Miscellaneous Second Appeal. That apart, I do not find any substantial question of law in the Civil Miscellaneous Second Appeal warranting interference in the concurrent judgments of the courts below.

8. In these circumstances, the Civil Miscellaneous Second Appeal is liable to be dismissed. Accordingly, the Civil Miscellaneous Second Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Principal District Judge,
Coimbatore

2. The Subordinate Judge,
Thiruppur.

+lcc to Mr.C.Veeraraghavan, Advocate SR.No. 23016

+lcc to Mr.M.N.Balakrishnan, Advocate SR.No. 23349

C.M.S.A.No.42 of 2011

A.SK(22.04.2021)