



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-02-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CMSA No.5 of 1998

And

CMP No.1430 of 1998

Pappathi

..Appellant

vs.

Thangaraj

..Respondent

PRAYER : Civil Miscellaneous Second Appeal is preferred under Section 28 of Hindu Marriage Act read with Section 100 of the Code of Civil Procedure against the judgment and decree dated 30.09.1997 made in CMA No.71 of 1995 on the file of the learned III Additional District Judge, Salem, reversing the common judgment and decree dated 23.11.1992 made in HMOP No.96 of 1986 on the file of the learned Subordinate Judge, Sankakiri.

For Appellant : Mr.G.Jeremiah

For Respondent : Sole Respondent Died

J U D G M E N T

This Court passed an order on 02.03.2020 that the learned counsel for the appellant made a submission that the sole respondent had died and steps are to be taken. Further, on 16.03.2020 also time was granted.

2. Perusal of the judgment and decree reveals that the HMOP was filed for dissolution of marriage.

3. In view of the fact that no steps are taken and further the issues are relating to the matrimonial dispute, the present Civil Miscellaneous Second Appeal need not be kept pending any further. In view of the fact the sole respondent died, no further adjudication needs to be entertained and accordingly, CMSA No.5 of 1998 stands dismissed. However, there



shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

Svn

To

1.The III Additional District Judge,
Salem.

2.The Sub Judge,
Sankakiri.

C.M.S.A.No.5 of 1998

GSM(CO)
SP(10/08/2021)