



4. The learned counsel for the respondent made a submission that the appellant and the respondent are separately living for the past more than 24 years. Thus, there is an irretrievable break down of marriage which is also a reason for the purpose of confirming the decree of divorce. This apart, the respondent is also aged about more than 56 years.

5. Beyond all these reasons, the appellant has not raised any substantial question of law which is mandatory under Section 100 of C.P.C. The substantial question of law raised are related to the factual aspects and those facts were already adjudicated both by the Trial Court as well as the First Appellate Court. The facts regarding the grounds for divorce were elaborately adjudicated by the Trial Court as well as the First Appellate Court and therefore, in the absence of any substantial question of law which is mandatory, this Court is not inclined to interfere with the judgment and decree passed by the First Appellate Court. Further, the appellant and the respondent are living separately for more than 25 years.

6. Under these circumstances, the appeal deserves no merit and consideration. Consequently the judgment and decree dated 31.07.2007 passed in C.M.A.No.21 of 2005 stands confirmed and C.M.S.A.No.5 of 2008 stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

1.The learned Additional District Judge,
(Fast Track Court No.2).
Salem.

2.The learned Subordinate Judge,
Mettur.

+1cc to Mr.P.Jagadeesan, Advocate, S.R.No.5836

C.M.S.A.No.5 of 2008

PVS (CO)
CB(03/09/2021)