



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-03-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.S.A.No.31 of 2009

And

M.P.Nos.2 and 3 of 2009

Uma Maheshwari .. Appellant/ Respondent

Vs.

Senthilkumar .. Respondent/ Appellant

Civil Miscellaneous Second Appeal is filed under Order 43, Rule 1 read with Section 100 of the Code of Civil Procedure, against the judgment and decree dated 17.02.2009 of I Additional District Court at Coimbatore in CMA No.22 of 2005, reversing the fair and decretal order dated 12.01.2005 of the Subordinate Judge's Court at Tirupur in HMOP No.14 of 2003.

For Appellant : Ms.K.Sandhiya for
M/s.Sarvabhauman Associates.

For Respondents : No Appearance

JUDGMENT

The marriage between the appellant-wife and the respondent-husband was solemnised on 15.03.2000 as per Hindu Rites and Customs.

2. On account of difference of opinion, the spouses were living separately.

3. The respondent-husband filed petition for dissolution of marriage and the Trial Court dismissed the petition. Thus, the respondent filed an appeal in CMA No.22 of 2005 before the I Additional District Court at Coimbatore. Challenging the judgment dated 12.01.2005 passed in HMOP No.14 of 2003, the first Appellate Court allowed the CMA and granted a decree of divorce. The decree of divorce was granted on 17.02.2009 and 15 years have lapsed.

<https://hcservices.ecourts.gov.in/hcservices/> 4. Learned counsel appearing on behalf of the appellant made a submission that the respondent contracted



another marriage with the other woman and living along with his second wife.

5. In view of the fact that the respondent contracted another marriage and living with his second wife for the past more than 12 years, the learned counsel for the appellant made a submission that no useful purpose would be served by considering the appeal on merits. In view of the said submissions of the learned counsel for the appellant and considering the fact that the marriage between the appellant and the respondent was irretrievably broken down and the respondent contracted the second marriage with another woman and living separately for many years, the judgment and decree dated 17.02.2009 of the I Additional District Court at Coimbatore in CMA No.22 of 2005 stands confirmed and the present CMSA No.31 of 2009 is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

To

1.I Additional District Judge,
I Additional District Court,
Coimbatore.

2.The Sub Judge,
Sub Court,
Tirupur.

+1cc to M/s.Sarvabhauman Associates SR.No. 21378

CMSA No.31 of 2009

RR(CO)

A.SK(16.09.2021)