

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.S.A.No.43 of 2011

and

M.P.No.1 of 2011

N. Shankar Ganesh

..Appellant/Petitioner

Versus

Lokeswari

..Respondent/Respondent

Prayer: Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act 1955 r/w Section 100 of the Code of Civil Procedure, against the judgment and decree of the learned Additional District Judge and Fast Track Court No.III, Tiruvallur, dated 11.01.2011 in C.M.A.No.49 of 2006 confirming the judgment and decree of the learned Subordinate Judge of Tiruvallur, dated 23.08.2004 in H.M.O.P.No.1 of 2003.

For Appellant : Mr. Karthikeyan

J U D G M E N T

This Court passed an order on 05.09.2011, ordering notice to the respondent returnable in eight weeks. Private notice was also permitted. Further opportunities were also granted to the appellant to serve notice to the respondent. The issues raised in this appeal relates to matrimonial dispute. However, the appellant has not taken any steps to serve notice to the respondent for the past about nine years.

2. In view of the fact that the notice has not been served to the respondent for the past about nine years and the appellant also has not taken any steps to serve notice privately and file proof of service, this Court is not inclined to keep the appeal pending for an unspecified period, which would do no service to the cause of justice. Accordingly, the CMSA.No.43 of 2011 stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

1.The Additional District Judge and Fast Track Court No.III,
Tiruvallur.

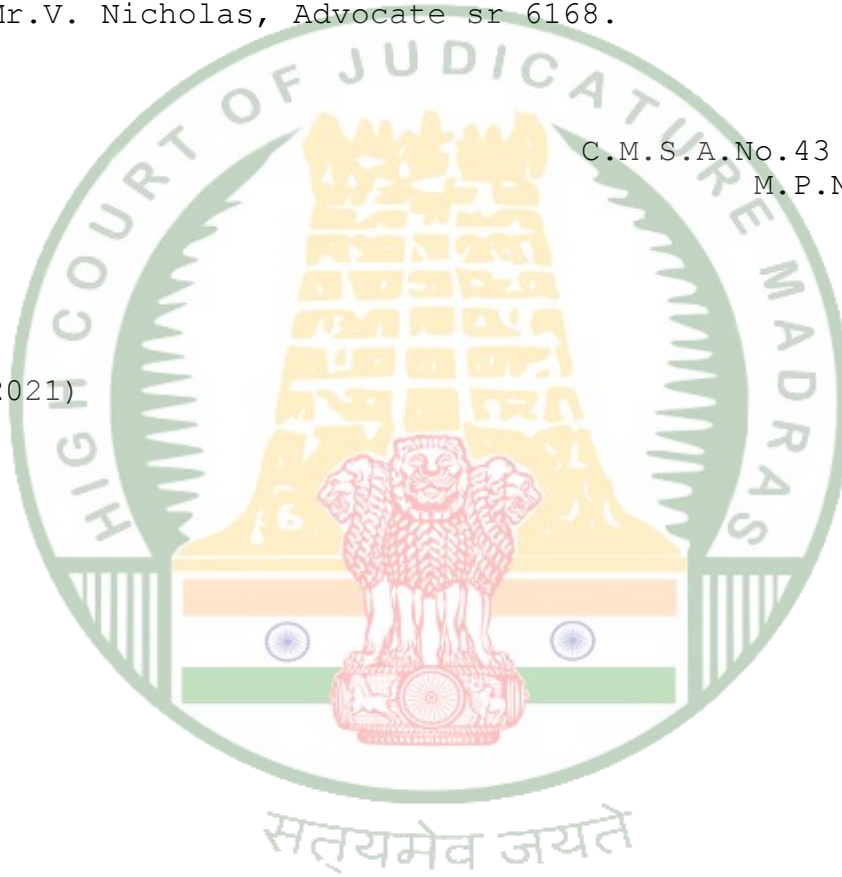
2.The Subordinate Judge, Tiruvallur.

3.The Section Officer
VR Section
High Court, Madras 104.

+1 CC to Mr.V. Nicholas, Advocate sr 6168.

C.M.S.A.No.43 of 2011 and
M.P.No.1 of 2011

KK(CO)
SP(15/04/2021)



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