



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.S.A.No.62 of 2011

A. Ravikumar

.. Appellant/Appellant

Versus

T. Iswari

.. Respondent/Respondent

Prayer: Civil Miscellaneous Second Appeal filed under Section 100 of the Code of Civil Procedure, against the judgment and decree of the learned First Additional District Judge, Coimbatore dated 10.12.2010 in C.M.A.No.10/2010 confirming the judgment and decree of the learned Principal Subordinate Judge, Tiruppur dated 01.10.2009 in H.M.O.P.No.100/2005.

For Appellant : Mr. T.M. Hariharan

For Respondent : Not ready in notice

J U D G M E N T

The appellant filed H.M.O.P.No.100/2005, seeking dissolution of marriage. The marriage between the appellant and the respondent was solemnised on 07.07.2002, as per Hindu Rites and Customs and admittedly, the respondent and the appellant are living separately. The H.M.O.P.No.100/2005, filed by the appellant seeking dissolution of marriage was dismissed by the Principal Sub Judge, Tiruppur. Challenging the said judgment, the appellant filed C.M.A.No.10/2010. The Additional District Court, Coimbatore also elaborately adjudicated the facts as well as the grounds raised by the parties and dismissed the appeal by confirming the order passed by the trial Court in H.M.O.P.No.100/2005. The appellant would not able to raise any substantial question of law for the purpose of entertaining the appeal on hand. The question of law raised or with reference to certain facts connected with the allegation of cruelty and those factual circumstances were completely adjudicated by both the Courts.



2. In view of the fact that such factual allegation cannot form part of the substantial question of law, the appeal deserves no further consideration and the grounds raised with reference to the facts and circumstances will not be adjudicated under Section 100 CPC and therefore, the judgment and decree dated 10.12.2010, passed in C.M.A.No.10/2010 confirming the fair and decretal dated 01.10.2009 passed in H.M.O.P.No.100/2005 stands confirmed. Consequently, CMA.No.62/2011 is dismissed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

AT

To

1.The First Additional District Judge, Coimbatore.

2.The Principal Subordinate Judge, Tiruppur.

C.M.S.A.No.62 of 2011

RSV(CO)
GMY(02/09/2021)