

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.M.A.No.1767 of 2019
and
CMP.NOS.5682/2019 and 2383/2021

Bharath
S/o Vijayaragavan .. Appellant

-vs-

Deepa
W/o Bharath .. Respondent

Memorandum of Grounds of Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, against the fair and decretal order dated 30.11.2018 made in O.P.No.1287 of 2014 on the file of the Principal Family Court, Chennai.

For Appellant :: No appearance

For Respondent :: Mrs.Uma Vidhyapathi

JUDGMENT

(Judgment of the Court was made by T.RAJA, J.)

When the civil miscellaneous appeal has been taken up for hearing, none appears for the appellant. Learned counsel appearing for the respondent is present.

2. The respondent/wife filed a petition in O.P.No.1287 of 2014 on the file of the Principal Family Court at Chennai under Section 13(1)(i-a) & 26 of the Hindu Marriage Act with a twin prayer (a) to dissolve the marriage between the respondent and the appellant held on 5.9.2003 at Tirupati on the ground of cruelty and (b) granting permanent custody of the minor son Gokul Sundararaghavan born on 31.10.2004 to the respondent. After hearing the parties, the said petition was allowed vide the order dated 30.11.2018 passed by the Court below. Aggrieved thereby, the present appeal has been filed by the appellant/husband.

3. When the matter was listed on 9.3.2021, there was no representation for both sides. Therefore, the matter was adjourned by a week. Even today, when the matter was called, there is no representation for the appellant. The continuous absence of the appellant shows that he is not willing to prosecute the appeal. Therefore, the civil miscellaneous appeal is dismissed for non prosecution. Consequently, interim order stands vacated and the C.M.P.Nos.5682 of 2019 & 2383 of 2021 are also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Principal Judge
Principal Family Court
Chennai

COPY TO:

The Section Officer,
VR Section,
High Court, Madras

C.M.A.No.1767 of 2019

GMI (CO)
NR 17/04/2021