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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.A.NO.3176 OF 2019

T.Uma Mageshwari

... Appellant/
Petitioner

-vs-

K.Thiagarajan

... Respondent/
Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984, against the fair and decreetal order dated 07.05.2019 made in O.P.No.265/2018 on the file of the learned V Additional Principal Judge, V Additional Family Court, Chennai.

For Appellant : No appearance

For Respondent : Mr.C.Ashok Kumar

JUDGMENT

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

This Civil Miscellaneous Appeal is directed against the fair and decreetal order dated 07.05.2019 passed in O.P.No.265/2018 by the learned V Additional Principal Judge, V Additional Family Court, Chennai in and by which the petition seeking restitution of conjugal rights filed under Section 9 of the Hindu Marriage Act 1955, filed by the appellant-wife was dismissed.

2. When the matter was called, there was no representation on behalf of the appellant either in person or through a Counsel. Learned Counsel for the respondent-husband who was present before this Court stated that nothing survives for further adjudication in this appeal as a decree for divorce was



already granted by the Family Court, pending this appeal. He further stated that the respondent-husband has no knowledge about filing of any appeal by the appellant-wife against that decree for dissolution of the marriage.

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3. Recording the said statement of the learned Counsel for the respondent-husband that a decree dissolving the marriage that was solemnized between the parties on 24.06.1993, has already been granted by the Family Court below and there was no appeal filed against the same and also considering the fact that the appellant-wife has not shown any interest in prosecuting this appeal right from the filing of this Appeal, the present Civil Miscellaneous Appeal is dismissed as nothing survives for further adjudication. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The V Additional Principal Judge, Family Court, Chennai.

C.M.A.No.3176 of 2019

SSI(CO)
PM/10/01/2022