

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

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

CMA.NO.2222 OF 2017

Vijiyalakshmi

... Appellant

-vs-

Saravanan

... Respondent

Civil Miscellaneous Appeal filed against the order and decree dated 20.02.2017 made in HMOP.No.1267/2013 by the learned Principal Judge, Family Court, Coimbatore.

For Appellant : No appearance

For Respondent : Mr.D.Gopal

JUDGMENT

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

The Civil Miscellaneous Appeal has been directed against the order and decree dated 20.02.2017 passed in HMOP.No.1267/2013 by the learned Principal Judge, Family Court, Coimbatore, thereby declining to grant divorce to the appellant-wife on the ground of cruelty.

2. The Civil Miscellaneous Appeal has been admitted on 25.07.2017. Thereafter, it appears that no steps have been taken by the appellant-wife to prosecute the matter.

3. In this regard, a perusal of the Notes Paper would reveal that even before us, when the matter was called on 04.02.2021, there was no representation on behalf of the appellant-wife. Therefore, the matter was directed to be listed next week under the caption, 'for dismissal'. Thereafter, on 16.02.2021, when the matter was called, even on that date also, there was no representation on behalf of the appellant. However, learned Counsel for the respondent-husband seeks time to get instructions from his client as to whether to prosecute the appeal or not. Hence, the matter was once again adjourned

to 03.03.2021 and directed to be listed under the caption, 'for dismissal'. Even today i.e. on 03.03.2021, when the matter was called, neither the appellant nor her Counsel was present before this Court to get along with the matter. But, the learned Counsel for the respondent was present. It clearly shows that the appellant is not interested in prosecuting the matter further.

4. In the result, the Civil Miscellaneous Appeal fails and the same is accordingly dismissed for non-prosecution. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

tsi

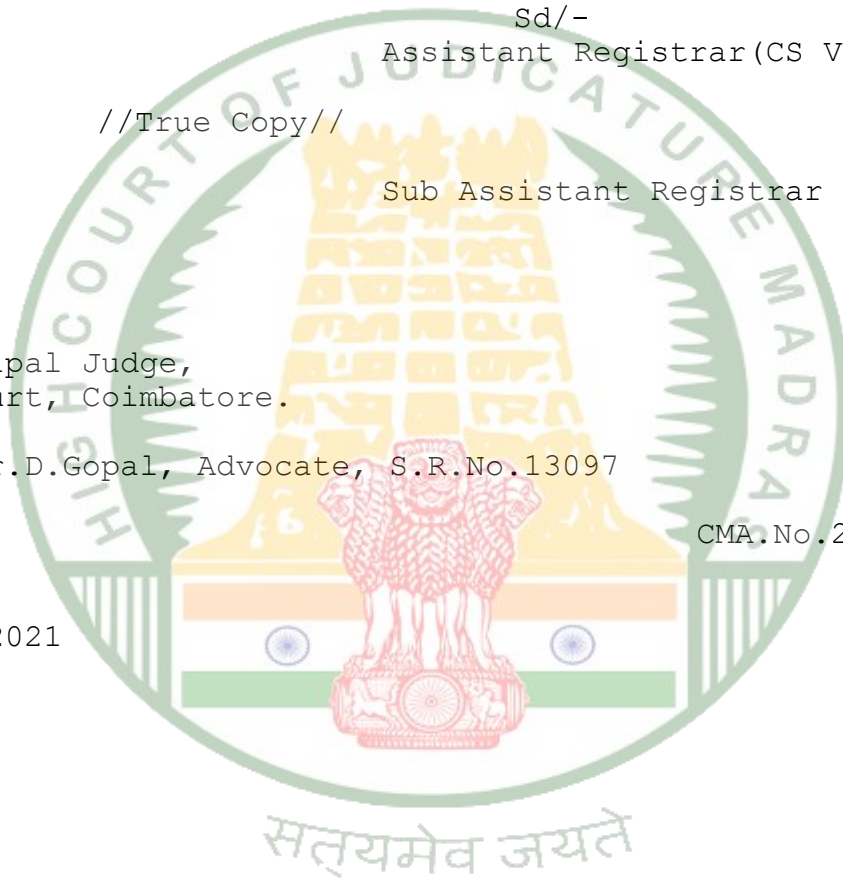
To

The Principal Judge,
Family Court, Coimbatore.

+1cc to Mr.D.Gopal, Advocate, S.R.No.13097

CMA.No.2222 of 2017

AD(CO)
CS/29/04/2021



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