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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CIVIL MISCELLANEOUS SECOND APPEAL NOS.26 & 27 OF 2006

Dharmalingam

... Appellant/Plaintiff in CMSA 26 of 2006
... Appellant/Respondent in CMSA 27 of 2006

..Vs..

Dhanavalli

... Respondent/Defendant in CMSA No.26 of 2006

1. Minor Arulraj
 2. Minor Aalya
 3. Minor Balaji
- Minors are represented by their
next friend mother & guardian
Dhanavalli

... Respondents/Plaintiffs in CMSA No.27 of 2006

Prayer: These Civil Miscellaneous Second Appeals have been filed under section 100 of the Code of Civil Procedure read with Section 24 [1] of Hindu Marriage Act against the judgment and decree of the learned District Judge, Perambalur dated 30.06.2005 made in C.M.A.Nos.6 & 7 of 2004 confirming the Judgment and decree of the Subordinate Judge, Ariyalur dated 01.12.2003 made in H.M.O.P.No.46 of 1993 & M.C.No. 6 of 1994.

For Appellant : No Appearance

COMMON JUDGMENT

Challenging the judgment and decree of the learned District Judge, Perambalur dated 30.06.2005 made in C.M.A.Nos.6 and 7 of 2004 confirming the Judgment and decree of the Subordinate Judge, Ariyalur dated 01.12.2003 made in H.M.O.P.No.46 of 1993 and M.C.No.6 of 1994 the present Civil Miscellaneous Second Appeals have been filed.

2. Originally the appellant herein has filed H.M.O.P.No.46 of 1993 to declare that the the marriage between the appellant



and the respondent solemnized on 16.06.83 as null and void and the respondent filed a petition praying maintenance for the children in Maintenance case in M.C.No.6 of 1994. The trial Court, after considering the oral and documentary evidence of both the parties, dismissed the petition for divorce and directed the appellant to pay maintenance to their three minor children at Rs.500/- each totally Rs.1500/- before 10th of every month from the date of the petition. Against which, the appellant has filed appeals in C.M.A.No.6 of 2004 and C.M.A.No.7 of 2004 and the first appellate Court dismissed both the appeals confirming the findings of the trial Court. Challenging the same, the present Second Appeals have been filed.

3. When the matter came up for hearing on 25.03.2022, it was represented that maintenance ordered by the Court below was not paid to the first respondent's children and this Court directed the appellant to settle the entire maintenance amount to the children and adjourned the matter to 01.04.2022.

4. It is unfortunate that when the matter listed today and taken up, none appeared for the appellant. The learned counsel for the respondents was not able to ascertain any instruction from the respondents. Therefore, these Civil Miscellaneous Second Appeals are dismissed for non prosecution. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The District Judge, Perambalur.
2. The Subordinate Judge, Ariyalur.

Copy To

The Section Officer,
V.R. Section,
High Court, Madras.

+2ccs to M/s.Sarvabhauman Associates , Advocate, S.R.Nos.22142, 22143

Civil Miscellaneous Second Appeal Nos.26 & 27 of 2006

SSI (CO)

RLP(19/05/2022)