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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.S.A.No.59 of 2011

Umadevi

... Appellant/ Appellant /
Respondent

Vs.

Vajravelu

... Respondent / Respondent/
Petitioner

PRAYER: Civil Miscellaneous Second Appeal is filed under Section 13(1)(b) of Hindu Marriage Act read with Section 100 of Civil Procedure Code to set aside the order of the Divorce passed in H.M.O.P.No.13 of 2001 dated 26.08.2008 Sub Court, Vellore confirmed in H.M.C.M.A.No.2 of 2010 dated 17.05.2011 on the file of Additional District and Session Judge, Fast Track Court, Vellore.

For Appellant : No appearance

For Respondent : Mr.T.Paranthaman

J U D G M E N T

This Civil Miscellaneous Second Appeal arises against the order passed in H.M.C.M.A.No.2 of 2010 dated 17.05.2011 passed by the Additional District and Session Judge, Fast Track Court, Vellore, confirming the order passed in H.M.O.P.No.13 of 2001 dated 26.08.2008 on the file of Sub Court, Vellore.

2. When the matter came up for hearing on 20.02.2018, this Court directed the parties to appear before the Mediation and Conciliation Centre, High Court, Madras. Thereafter, when the matter came up for hearing on 08.11.2019, learned counsel appearing for the respondent submitted before this court that the dispute was settled between the parties in Crl.R.C.No.1354 of 2013 dated 09.06.2015 and he filed a memo to that effect. Learned counsel for the appellant sought time to verify the



same. At request, the matter was adjourned to 14.11.2019. Again when the matter was listed on 14.11.2019, the appellant sought further time to verify the same. Thereafter, the matter was listed on 11.02.2022. On 11.02.2022, the learned counsel for the appellant was present before the court and submitted that mediation between the parties failed and prayed for listing the matter for final disposal and accordingly, the matter was listed on 25.02.2022 for final disposal. On 25.02.2022, the appellant sought for adjournment and this court posted the matter on 04.03.2022 either for disposal or for dismissal. On 04.03.2022, the appellant counsel was not present before this Court and therefore, the matter was directed to be posted on 11.03.2022 under the caption for dismissal.

3. Today, i.e., on 11.03.2022, when the case is taken up, none appeared on behalf of the appellant and it can be very well inferred that the learned counsel for the appellant is not interested in pursuing the Civil Miscellaneous Second Appeal and hence, the appeal is dismissed for default. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

msv/nvsri

To:

1.The SubORDinate Judge,
Subordinate Court, Vellore

2. The Additional District and Session Judge, Fast Track Court,
Vellore

Copy to:

The Section Officer,
VR Section,
High Court, Madras

C.M.S.A.No.59 of 2011

BS (CO)

A.SK(01/04/2022)



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