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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.M.S.A.No.4 of 2018

M.Rajasekaran

...Appellant

Vs.

Vanathi

...Respondent

Prayer: Civil Miscellaneous Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 07.08.2017 passed in C.M.A.No.7 of 2017 on the file of the Principal District Court, Krishnagiri, reversing the judgment and decree dated 31.01.2017 in H.M.O.P.No.29 of 2012 on the file of the Principal Sub-ordinate Court, Krishnagiri.

For Appellant : No Appearance

For Respondent : No Appearance

J U D G M E N T

The appellant/ husband had originally filed H.M.O.P.No.29 of 2012 seeking frustration of the marital relationship which he had entered with the respondent / wife on 27.06.2004. He had filed H.M.O.P.No.29 of 2012 for dissolution of marriage on the grounds of cruelty and dissection.

2.The said petition had come up for consideration before the Principal Sub-Court at Krishnagiri and after full trial, during which, the appellant herein had examined himself as P.W.1 and had also marked Exs.P1 to P7 and the respondent had examined herself as R.W.1 but did not mark any documents, by judgment dated 31.01.2017, the learned Principal Sub-judge had granted dissolution of the marriage. Aggrieved by such judgment, the respondent herein / wife had filed C.M.A.No.7 of 2017, which came up for consideration before the Principal District Court at Krishnagiri. By judgment dated 07.08.2017, the judgment of the Trial Court granting divorce was interfered with and the appeal was allowed. This effectively meant that the marriage continued to subsist. The present appeal had been filed questioning the judgment in C.M.A.No.7 of 2017.



3.The matter had come up earlier and it was noted that the present appellant/husband had not paid any amount towards maintenance either to the respondent or to his own child, who was born in the year 2005. It was also found that the said child/daughter had been in the care and protection of the respondent / wife from the year 2012 onwards.

4.This Court therefore, directed the present appellant to file an affidavit indicating the maintenance which he preferred to pay atleast for the child. There has been no response. The appeal had been held over on 03.03.2022, again on 23.03.2022 and once again on 01.04.2022. There has been consistently no appearance on behalf of the appellant therefore, I am therefore not inclined to hold it over any further. This Civil Miscellaneous Second Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To:-

1. The Principal District Court,
Krishnagiri.
2. The Principal Sub-ordinate Court,
Krishnagiri.

C.M.S.A.No.4 of 2018

GP(CO)
RGA(06/05/2022)