



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.01.2022

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THE HONOURABLE **MRS.JUSTICE S.ANANTHI**

CMA.(MD)Nos.755 & 737 of 2017
and
CMP.(MD)No.8113 of 2017

Nirmala Ezhilrani ... Appellant/Respondent
in both CMAs.

Vs.

Udayakumar ... Respondent/Petitioner
in both CMAs.

Common Prayer : Civil Miscellaneous Appeal filed under Section 55 of the Divorce Act, 1869 r/w Section 96 CPC., 1908, to set aside the judgment and decree dated 13.03.2017 made in IDOP.No.9 of 2010 and IDOP.No.16 of 2014 on the file of the Additional District and Sessions Court, Theni at Periyakulam.

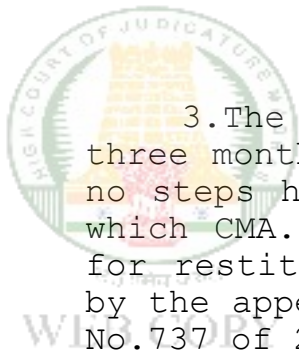
For Appellant : Mr.V.Georgeraja,
(in both CMAs.) for M/S.Ajmal Associates.

For Respondent : Mr.K.Appadurai
(in both CMAs.)

COMMON JUDGMENT

The appellant filed these appeals to set aside the judgment and decree dated 13.03.2017 made in IDOP.No.9 of 2010 and IDOP.No.16 of 2014 on the file of the Additional District and Sessions Court, Theni at Periyakulam.

2.The facts of the case are that on 24.05.1995 the marriage of the appellant and the respondent was solemnized as per Christian customs and they got two female children. Due to some matrimonial dispute, the appellant left the matrimonial home along with the children. Hence, the respondent/husband filed a petition in IDOP.No.9 of 2010 for restitution of conjugal rights and the appellant/wife filed a petition for divorce in IDOP.No.16 of 2014.



3.The petition filed by the respondent/husband was allowed and three months time was also given for reunion. However, till today, no steps have been taken by both the parties for reunion. Against which CMA.(MD)No.755 of 2017 came to be filed. Since the petition for restitution of conjugal rights was allowed, the petition filed by the appellant/wife came to be dismissed. Against which, CMA.(MD) No.737 of 2017 came to be filed.

4.It is seen that both the husband and wife are living separately from year 2008. Even after an order of restitution of conjugal rights, no steps have been taken by both parties to reunion. The children also in the custody of the mother. Both the parties agreed that there is no chance for reunion. On perusing of the documents and evidence, this Court also finds that there is no chance for reunion. Hence, the marriage has to be dissolved.

5.With this observation, these civil miscellaneous appeals are allowed by setting aside the orders in IDOP.No.9 of 2010 and IDOP.No.16 of 2014 dated 13.03.2017 and the marriage of the parties is hereby dissolved. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Additional District and Sessions Judge,
Theni at Periyakulam.

Copy to

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)



+1 CC to M/s.M.NATARAJAN, Advocate (SR-2077[F] dated 21/01/2022)

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2197[F] dated 24/01/2022)

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21.01.2022

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