



C.M.S.A(MD)No.11 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.09.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

C.M.S.A.(MD)No.11 of 2019

N.Murugesan : Appellant/Appellant/Petitioner

Vs.

1.G.Rathika

2.Bhanureka : Respondents/Respondents/Respondents

Prayer : This Civil Miscellaneous Second Appeal is filed under Section 28 of Hindu Marriage Act r/w Section 100 of C.P.C, against the order and decreetal order of the learned V Additional District Judge, Madurai, dated 05.03.2018 in H.M.C.A.No.14 of 2012 dismissing the appeal and confirming the order and decreetal of the learned III Additional Sub-ordinate Judge, Madurai passed in H.M.O.P.No.309 of 2008, dated 06.10.2012.

For Appellant : Mr.S.Lakshmanan

For Respondents : Mr.M.Ponniah, for R1.

: No Appearance, for R2.



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JUDGMENT

The Civil Miscellaneous Second Appeal is directed against the order passed in H.M.C.A.No.14 of 2012, dated 05.03.2018 on the file of the learned V Additional District Judge, Madurai, confirming the fair order and decreetal order in H.M.O.P.No.309 of 2008, dated 06.10.2012, passed by the learned III Additional Sub-ordinate Judge, Madurai.

2. When the matter is taken up for hearing today, the learned counsel for the appellant as well as the learned counsel for the first respondent would submit that the appellant died on 25.04.2021.

3. It is seen from the records that the divorce petition filed by the appellant in H.M.O.P.No.309 of 2008, after full trial was ordered to be dismissed. Challenging the same, appeal in H.M.C.M.A.No.14 of 2012, has been preferred and the same was also dismissed. Against the concurrent finding of the Courts below, the present appeal came to be filed. Since the appellant in H.M.C.M.A.No.14 of 2012 was reported dead, the learned counsel for the appellant would submit that nothing survives for further adjudication in



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this appeal and hence, he seeks permission of this Court to withdraw this appeal and he has also made an endorsement to that effect.

4. In view of the above, the Civil Miscellaneous Second Appeal is dismissed as withdrawn. No costs.

26.09.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

- 1.The V Additional District Judge,
Madurai.
- 2.The III Additional Sub-ordinate Judge,
Madurai.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

Pre-delivery order made in
C.M.S.A.(MD)No.11 of 2019

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