



C.M.S.A.(MD)No.17 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.S.A.(MD)No.17 of 2020

B.Divya

... Appellant

Vs.

S.Bala Senthil Ganesh

... Respondent

PRAYER: Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act read with Section 100 C.P.C, against the Judgment and decree dated 18.02.2020 made in H.M.C.M.A.No.6 of 2019 on the file of Principal District Judge, Ramanathapuram confirming the Judgment and decretal order dated 10.08.2018 passed in H.M.O.P.No.105 of 2016 on the file of Sub Court, Ramanathapuram.

For Appellant : Mr.T.S.Mohamed Mohideen

For Respondent : Mr.J.Barathan



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JUDGMENT

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This Civil Miscellaneous Second Appeal is filed against the Judgment and decree dated 18.02.2020 made in H.M.C.M.A.No.6 of 2019 on the file of Principal District Judge, Ramanathapuram, confirming the Judgment and decreetal order dated 10.08.2018 passed in H.M.O.P.No.105 of 2016 on the file of Sub Court, Ramanathapuram.

2. The appellant has already filed C.M.P.(MD)No.15079 of 2023 seeking to modify the grounds filed under Section 13(1)(ia) of Hindu Marriage Act, 1955 into a ground filed under Section 13(B) of Hindu Marriage Act, 1955 and to grant divorce by mutual consent. Being satisfied with the reasons stated in the accompanying affidavit, the said C.M.P was allowed on 06.01.2023. Therefore, this case was directed to be listed today i.e., on 28.11.2023 for appearance of parties.

3. The appellant has appeared before this Court personally and expressed her unwillingness to get along with the respondent herein. The respondent has appeared through virtually and expressed his unwillingness



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to get along with the appellant herein. Taking into account the terms of C.M.P.(MD)No.15079 of 2023 and the statements made by both the parties before this Court, this Court is inclined to dissolve the marriage solemnized on 02.02.2014 between the appellant and the respondent. Accordingly, the marriage between the appellant and the respondent is hereby dissolved.

4. Hence, this Civil Miscellaneous Second Appeal is allowed. There shall be no order as to costs.

28.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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To

1.The Principal District Judge,
Ramanathapuram.

2.The Sub Court,
Ramanathapuram.

Copy to

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

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