



C.M.S.A.(MD)No.26 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.S.A.(MD)No.26 of 2015

and

M.P.(MD)No.2 of 2015

S.Selvi

... Appellant

Vs.

T.Somasundaram

... Respondent

PRAYER: Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act read with Section 100 of C.P.C, to set aside the Judgment and decretal order passed by the I Additional District Judge, Thoothukudi dated 22.09.2014 made in (HM)C.M.A.No.22 of 2012, confirming the Judgment and decretal order passed by the Subordinate Judge, Thoothukudi in H.M.O.P.No.240 of 2010 dated 12.07.2012.

For Appellant : Mr.R.Senthil Kumar

For Respondent : Mr.B.Rajesh Saravanan



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JUDGMENT

This Civil Miscellaneous Second Appeal is filed by the appellant/wife to set aside the Judgment and decreetal order passed by the I Additional District Judge, Thoothukudi dated 22.09.2014 made in (HM)C.M.A.No.22 of 2012, confirming the Judgment and decreetal order passed by the Subordinate Judge, Thoothukudi in H.M.O.P.No.240 of 2010 dated 12.07.2012.

2. Heard the learned Counsel appearing for the appellant as well as the learned Counsel appearing for the respondent and perused the materials available on record.

3. The brief facts in a nutshell are as follows:

The marriage between the appellant/wife and the respondent/husband was solemnized on 15.12.2004 as per Hindu customs and rites. After the marriage, the spouses were living together at Rajapalayam along with the respondent/husband's family. Due to the



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dispute between the appellant/wife and the respondent/husband, the divorce petition has been filed by the respondent/husband seeking divorce from the appellant/wife in H.M.O.P.No.51 of 2009 before the Subordinate Judge, Srivilliputhur. For which, the appellant/wife has filed a Transfer C.M.P. before this Court seeking to transfer the above said case from the Subordinate Court, Srivilliputhur to the Subordinate Court, Thoothukudi. This Court has allowed the Transfer C.M.P., accordingly, the divorce petition was transferred from the Subordinate Court, Srivilliputhur to the Subordinate Court, Thoothukudi and renumbered as H.M.O.P.No.240 of 2010.

H.M.O.P.No.240 of 2010 has been allowed on 12.07.2012 and the divorce was granted. Against which, the appellant/husband has filed a (HM)CMA.No.22 of 2012 before the I Additional District Judge, Thoothukudi. (HM)CMA.No.22 of 2012 has also been dismissed on 22.09.2014, by confirming the Judgment and decretal order made in H.M.O.P.No.240 of 2010 on the file of the Subordinate Court, Thoothukudi. Against which the present Civil Miscellaneous Appeal is filed by the appellant/wife seeking to reunion with respondent/husband by dismissing the orders dated 22.09.2014 and 12.07.2012.



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4. The learned Counsel appearing for the appellant has submitted that the appellant and the respondent are living together and pressing this C.M.A. to be closed. The said submission is recorded.

5. Therefore, nothing survives for adjudication. Hence, this Civil Miscellaneous Second Appeal is closed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.12.2023

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



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To

- 1.The Subordinate Judge,
Thoothukudi.
- 2.The I Additional District Judge,
Thoothukudi.

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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