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C.M.A.Nos.1562 & 1759 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.A.Nos.1562 & 1759 of 2021
and
CMP.No.8136 of 2021

K.Antony Thavidu Rayan

... Appellant in both the Appeals

Vs.

K.Shiny Cladys

... Respondent in both the Appeals

Prayers: The Civil Miscellaneous Appeals are filed under Section 55 of Divorce Act, 1869 read with Section 19 of Family Courts Act, against the fair and final order dated 08.02.2021 made in O.P.No.5312 of 2019 and O.P.No.137 of 2021 respectively on the file of the 5th Additional Family Court, Chennai.

For Appellant in both the Appeals : Mr.A.V.Arun

For Respondent in both the Appeals : No appearance



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COMMON JUDGMENT

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These appeals have been filed by the appellant/husband, challenging the common order passed by the 5th Additional Family Court, Chennai in O.P.No.5312 of 2019 filed by the respondent/wife, granting divorce on the ground of cruelty and to pay a sum of Rs.30 lakhs towards permanent alimony to the respondent herein and dismissing the O.P.No.137 of 2021 filed by the appellant herein for restitution of conjugal rights.

2. When the matter came up for hearing on 20.09.2024, there was no representation for the respondent. Therefore, this Court directed the Registry to send notice to the correct address of the respondent returnable by 04.10.2024. Now, the record shows that notice has been served on the respondent on 01.10.2024.

3. Though notice was served on the respondent, there is no representation for the respondent today. The learned counsel for the appellant brought to the notice of this Court that the respondent/wife contracted a second marriage and is having a child and she is settled.

4. The aforesaid submission made by the learned counsel for the appellant is recorded.

5. Since the respondent/wife has contracted second marriage, there is no



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question of granting permanent alimony to the respondent/wife would arise.

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5. Taking into consideration that the respondent is not present before this Court and also taking into consideration, the submission made by the learned counsel for the appellant, the order passed in O.P.No.5312 of 2019 dated 08.02.2021 directing the appellant/husband to pay a sum of Rs.30,00,000/- towards permanent alimony to the respondent/wife alone is set aside. The decree of divorce granted in O.P.No.5312 of 2019 dated 08.02.2021 is confirmed. Accordingly, the Civil Miscellaneous Appeals are disposed of. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B., J.) (R.S.V., J.)
06.11.2024

vsi

To

The Family Judge,
Ariyalur.



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J. NISHA BANU, J.
and
R.SAKTHIVEL, J.

vsi

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