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C.M.A.No.2006 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

C.M.A.No.2006 of 2022

K.Prabhakaran

..Appellant

Vs.

Mary Pushpam

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, to set aside the fair and final order in H.M.O.P.No.185 of 2018 on the file of the Principal Family Court, Coimbatore, dated 23.02.2022.

For Appellant : Mr.S.Arjun

For Respondent : Notice served-no appearance

J U D G M E N T

(The Judgment of the Court was made by Mrs.J.Nisha Banu,J.)

This civil miscellaneous petition has been filed by the appellant/husband against the fair and final order dated 23.02.2022 in H.M.O.P.No.185 of 2018 on the file of the learned Principal Family



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Judge, Coimbatore, for grant of divorce.

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2. Today when the matter is taken up for hearing, the learned counsel for the appellant would state that the appellant had orally informed over telephone, that he got reunited with the respondent wife and inspite of his request to send a letter for withdrawal of the appeal, the appellant failed to respond. Therefore, the learned counsel for appellant reports no instructions from his client and he also filed a Memo to that effect.

3. Memo, dated 14.10.2024 filed by the counsel for the appellant is as follows:

"Memo filed by the counsel for the appellant

1. It is humbly submitted that I am appearing for the appellant in the above Civil Miscellaneous Appeal. The appellant filed the above appeal against the fair and final order dated 23.02.2022 made in H.M.O.P.No.185 of 2018 dismissing his petition for divorce.

2. It is humbly submitted that during the pendency of the appeal, the appellant orally informed



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over telephone, that he got reunited with her wife Merry Pushpam, the respondent herein. In spite of repeated request to send a letter for withdrawal of the appeal as settled out of Court, the appellant failed to respond. Therefore, I report "no instructions" in the appeal for the appellant.

It is therefore humbly prayed that this Hon'ble Court may be pleased to record this memo."

4. Since the learned counsel for the appellant has filed a memo stating that he is unable to contact the appellant and reported no instructions before this Court, recording the memo filed by the counsel for the appellant, this Civil Miscellaneous Appeal is closed. No costs.

(J.N.B,J.) (R.K.M., J.)

15.10.2024

Index : Yes / No

Internet : Yes

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To
The Principal Family Court,
Coimbatore.



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J. NISHA BANU, J.
and
R.KALAIMATHI, J.

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