



C.M.A.(MD) No.269 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD) No.269 of 2009

and

M.P.(MD)No.1 of 2009

Shobarani.

... Appellant

Vs.

Jebaraj Gnanasekar Manuel.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 55 of the Divorce Act, 1869 to allow the appeal and set aside the order dated 06.11.2008 passed in I.A.No.788 of 2007 in IDOP No.114 of 2007 on the file of the District Court, Kanyakumari at Nagercoil.

For Appellant : Mr.S.C.K.M.Appaji
For Respondent : Mr.H.Mohamed Imran
for Ajmal Associates.

J U D G M E N T

The instant appeal has been filed by the wife challenging the order passed by the Trial Court allowing the petition for restitution of the conjugal rights filed by the respondent herein.



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2. It is submitted by both the learned counsel that a decree of divorce was granted on the petition filed by the appellant herein in I.D.O.P No.178 of 2009 on 31.10.2011. Admittedly, there is no challenge to this judgment against the decree of divorce granted by the District Court, Kanyakumari. In such circumstances, nothing survives for adjudication in the instant appeal.

3. In the result, this Civil Miscellaneous Appeal is closed. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

Index: Yes/ No
NCC: Yes / No
Speaking Order / Non-Speaking Order
apd

To:

1.The District Judge, Kanyakumari at Nagercoil.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

apd

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