

C.M.S.A(MD)No.22 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.08.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.S.A(MD)No.22 of 2019

R.Karuppasamy : Appellant

Vs.

Govindammal : Respondent

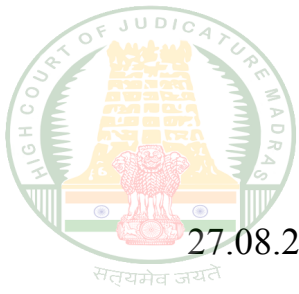
PRAYER:- Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act r/w 100 of C.P.C., against the judgment and decree passed in H.M.C.M.A.No.20 of 2013, dated 27.08.2018 on the file of the Principal District Court, Virudhunagar District at Srivilliputhur, confirming the judgment and decree passed in H.M.O.P.No.88 of 2009, dated 28.03.2013 on the file of the Sub Court, Srivilliputhur.

For Appellant : Mr.S.Kumar

For Respondent : No Appearance

J U D G M E N T

The Civil Miscellaneous Second Appeal is directed against the judgment and decree passed in H.M.C.M.A.No.20 of 2013, dated



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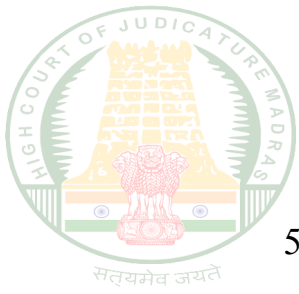
27.08.2018 on the file of the Principal District Court, Virudhunagar District at Srivilliputhur, confirming the judgment and decree passed in H.M.O.P.

No.88 of 2009, dated 28.03.2013 on the file of the Sub Court, Srivilliputhur.

2. When the matter is taken up for hearing today, the learned counsel appearing for the appellant would submit that the appellant has not complied with the directions of this Court.

3. It is evident from the records that the petitioner filed an appeal in CMSA(MD)No.22 of 2019, challenging the judgment made in H.M.C.M.A.No.20 of 2013, dated 27.08.2018 on the file of the Principal District Court, Virudhunagar District at Srivilliputhur, confirming the judgment and decree passed in H.M.O.P.No.88 of 2009, dated 28.03.2013 on the file of the Sub Court, Srivilliputhur, dismissing the divorce petition.

4. When the appeal is taken up for hearing, taking note of the fact that the partition suit was decreed and also undertaking affidavit filed by the appellant that he had not preferred any appeal challenging the preliminary decree and also undertook to pay a sum of Rs.7,50,000/- as permanent alimony to the respondent and by recording the said undertaking, this Court has allowed the Civil Miscellaneous Second Appeal.



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5. It is pertinent to note that this Court while allowing the Civil Miscellaneous Second Appeal, directed the appellant to pay a sum of Rs.7,50,000/- within a period of three months and posted the matter on 03.02.2024 for reporting compliance.

6. On 06.08.2025, when the matter was heard, this Court noted the appellant's non-compliance with its directions. At the appellant's request, the matter was adjourned to 21.08.2025, with a direction to deposit the amount by 20.08.2025. On 25.08.2025, considering the appellant's counsel's submission that they received the order copy only on 19.08.2025, this Court granted a further three-day extension and adjourned the matter to 29.08.2025.

7. Today, when the matter was taken up for hearing, the learned counsel for the appellant would candidly admit that the appellant has failed to comply with the court's direction to deposit the amount of Rs.7,50,000 as permanent alimony. Given the appellant's failure to fulfill the undertaking and comply with the court's order, this Court is left with no option but to recall the earlier judgment allowing the Civil Miscellaneous Second Appeal and consequently, dismiss the appeal for non-compliance.



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WEB COPY 8. In the result, the Civil Miscellaneous Second Appeal is dismissed.

29.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

- 1.The Principal District Court, Virudhunagar District
at Srivilliputhur.
- 2.The Sub Judge, Srivilliputhur.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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