



C.M.S.A.(MD) No.21 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.S.A.(MD) No.21 of 2017

Rajammal

... Appellant

Vs.

Ramasamy

... Respondent

Prayer:- Civil Miscellaneous Second Appeal filed under Section 100 of CPC read with Section 28 of the Hindu Marriages Act, 1955, to set aside the Judgment and Decree passed by the learned Additional District Judge, Ramanathapuram in H.M.C.M.A.No.1 of 2012 dated 04.11.2015 confirming the Judgment and Decree passed by the learned Sub Judge, Paramakudi in H.M.O.P.No.26 of 2005 dated 12.11.2009.

For Appellant : Mr.P.Krishnasamy

For Respondent : Mr.L.George Paul Anto

J U D G M E N T

This Civil Miscellaneous Second Appeal has been filed challenging the concurrent findings of the trial court and the lower appellate court granting divorce to the respondent husband on the ground that the



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appellant had made a false allegation that the respondent husband had developed illegal intimacy with his brother's wife; that the appellant was living separately without any reasons; that the appellant was giving many complaints against the respondent husband and his mother before the police and after the enquiry, they were closed; that the appellant used to give complaints to the higher officers of the respondent husband which caused mental cruelty to the respondent husband; and that the appellant was not interested to live with the respondent husband and therefore, the respondent was entitled to divorce. The lower appellate court confirmed the decree of divorce granted by the trial court.

2. It is now reported by the learned counsel for the appellant and the learned counsel for the respondent that the respondent husband is no more.

3. In view of the above, nothing survives for adjudication in this appeal. Therefore, this Civil Miscellaneous Second Appeal is dismissed.
No costs.

07.08.2024

Index: Yes/ No
Neutral Citation: Yes / No
JEN



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- 1.The Additional District Judge,
Ramanathapuram,
Ramanathapuram District.
- 2.The Sub Judge,
Paramakudi,
Ramanathapuram District.



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SUNDER MOHAN, J.

JEN

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