



C.M.A.No.318 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

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

C.M.A.No.318 of 2006

Sonal N.Shah

..Appellant

Vs.

Nikhil R.Shah

..Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act against the order and decreetal order dated 29.12.2005 made in H.M.O.P.No.132 of 2002 on the file of the II Additional Family Court (II Additional Principal Judge), Chennai.

For Appellant : No appearance

For Respondent : M/s.Shah and Shah

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JUDGMENT

(Judgment of the Court was delivered by **J. Nisha Banu, J**)

The present Civil Miscellaneous Appeal has been filed against the judgment and decree dated 29.12.2005 made in H.M.O.P.No.132 of 2002 on the file of the II Additional Family Court (II Additional Principal Judge), Chennai.

2. When the matter is taken up for hearing today, there is no representation on behalf of the appellant.

3. This Court, by order dated 25.04.2024, has passed the following order:-

"Registry is directed to issue notice to the appellant informing her that the appeal would be listed for hearing on 14.06.2024. Notice shall be despatched before 30.04.2024. The notice shall also specifically indicate that if the appellant does not make arrangement to proceed with the appeal on 14.06.2024, the appeal will be dismissed for non-prosecution."



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4. On perusal of the records, it is seen that the notice has been issued on 25.04.2024 and the same was also returned with an endorsement 'unclaimed'.

5. Therefore, we can only construe that the appellant is not interested in prosecuting the appeal. Therefore, this Court has no other option except to dismiss the appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed for non-prosecution. There shall be no order as to costs.

(J.N.B, J.) (R.S.V, J.)
22.01.2025

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To

The II Additional Family Court
(II Additional Principal Judge), Chennai.



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R.SAKTHIVEL, J.

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