



C.M.A.No.3289 of 2005

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.M.A.No.3289 of 2005

Jothilakshmi ... Appellant

-vs-

Selvaraj ... Respondent

PRAYER : Appeal against the judgment and decree, dated 01.10.2004, passed in H.M.O.P.No.45 of 2003, by Family Court, Coimbatore.

For Appellant : Ms.M.Vidya

JUDGMENT

(By Dr.G.Jayachandran,J.)

H.M.O.P.No.45 of 2003, the petition filed by wife for divorce under Section 13 (1) (i-a) of the Hindu Marriage Act,1955, on the file of Family Court, Coimbatore, was contested by respondent - husband, along with an application, seeking interim custody of his minor son.



C.M.A.No.3289 of 2005

WEB COPY

2. The Court below, after appreciating the evidence, finding that petitioner - wife had not made out a case of cruelty and desertion, dismissed the divorce petition. In so far as the custody of the child, after observing that the child was with petitioner and she being the natural guardian and was taking care of the child, the Court below dismissed the application, filed by father, for custody of the child. Wife, aggrieved by the dismissal of the divorce petition, preferred this appeal.

3. Though the appeal was filed in the year 2005, for the past twenty years, it is kept pending for service to the respondent. During the last hearing, learned counsel for the appellant submitted that he had no instructions from his client and that the letter sent to the appellant returned with an endorsement "No such addressee". In spite of lapse of twenty years after dismissal of H.M.O.P.No.45 of 2003, the appellant has not taken any effective steps to serve on the respondent. Regarding the custody of minor son, now that he has attained majority, nothing survives in the said plea.

4. In view of the fact that steps for service on respondent are not taken even after twenty years, this Civil Miscellaneous Appeal stands dismissed, for non-prosecution. No costs.

dixit

(DR.G.J.,J.) (M.S.K.,J.)
26.09.2025



C.M.A.No.3289 of 2005

WEB COPY

To

Family Court,
Coimbatore.



WEB COPY



C.M.A.No.3289 of 2005

DR.G.JAYACHANDRAN,J.
AND
MUMMINENI SUDHEER KUMAR, J.

dixit

C.M.A.No.3289 of 2005

26.09.2025