



C.M.A.Nos.1802, 1803 and 1855 of 2021

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.Nos.1802, 1803 and 1855 of 2021
and C.M.P.Nos.9717 and 9991 of 2021

S. Vasumathi

..Appellant
in all C.M.As.

Vs.

P. Venkatesan

..Respondent
in all C.M.As.

Prayer in C.M.A.Nos.1802 and 1803 of 2021: These Civil Miscellaneous Appeals are filed under Section 19 of the Family Courts Act to set aside the judgment and decree dated 29.01.2021 in F.C.O.P.No.20 of 2017 passed by the learned Judge, Family Court, Vellore, Vellore District.

Prayer in C.M.A.No.1855 of 2021: The Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1984, and 148 of the Guardians and Wards Act, 1980, to set aside the judgment and decree dated 29.01.2021 in F.C.O.P.No.98 of 2017 passed by the learned Judge, Family Court, Vellore, Vellore District.



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For Appellant

in all C.M.As. : Mr.P.V.Sudakar

For Respondent

in all C.M.As. : No appearance

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COMMON JUDGMENT

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

The above Civil Miscellaneous Appeals have been filed by the appellant/wife against the common judgment and decree dated 29.01.2021 made in F.C.O.P.Nos.20 and 98 of 2017 passed by the learned Judge, Family Court, Vellore, whereby, the learned Judge, dismissed the petition for divorce filed by the appellant/wife and allowed the petition for conjugal rights filed by the respondent/husband.

2. Before the Family Court, the respondent/husband has also filed F.C.O.P.No.98 of 2017 to appoint him/father of the minor child as Guardian and to direct the mother of the child to return the custody of the minor child namely, V.Sananda to the permanent custody of the father of



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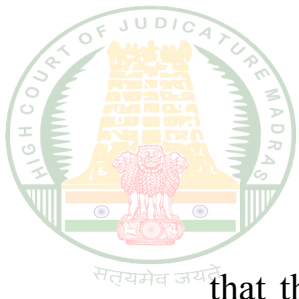
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the minor child and the same came to be dismissed with a direction to both the appellant/wife and the respondent/husband that both of them shall take custody of the child jointly and look after the child.

3. Today, when the matter is taken up for hearing, the learned counsel for the appellant/wife would state that the appellant/wife and the respondent husband are living separately for more than eight years and their child is now aged about 12 years. Presently, the appellant/wife is having the custody of the minor child. The learned counsel further submitted that the appellant has not claimed any maintenance for the child and hence, prayed to allow the appeals.

4. Perusal of records would show that even though notice has been served on the respondent/husband and the name of the respondent is also printed in the cause list, there is no representation on behalf of the respondent before this Court.

5. In the considered opinion of this Court, we can only construe



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that the respondent/husband is not interested in prosecuting the appeal.

Therefore, this Court has no other option except to allow these appeals.

Accordingly, these Civil Miscellaneous Appeals are allowed.

Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

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

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To

1. The Judge, Family Court,
Vellore, Vellore District.
2. The Section Officer,
V.R.Section, High Court of Madras,
Chennai - 104.



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