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C.M.A.No.1241 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2026

Coram

The Hon'ble Mr.Justice N.Sathish Kumar
and
The Hon'ble Mr. Justice M.Jothiraman

C.M.A.No.1241 of 2025

and

C.M.P.No.10234 of 2025

Dr.S.Preetha

..Appellant

Vs.

Dr.T.Brihadishwaran

..Respondent

Prayer :-

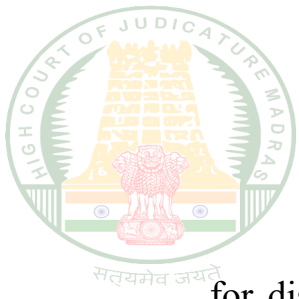
Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, 1984 against the fair and decretal order made in H.M.O.P.No.1616 of 2022 on the file of the IV Additional Principal Family Court, Chennai.

For Appellant : Mr.C.Senapathi
For Respondent : Mr.R.Thamaraiselvan

Judgment

(Judgement of the Court was made by **N.Sathish Kumar J.**)

Challenging the order passed by the learned IV Additional Principal Judge cum IV Additional Family Court, Chennai (hereinafter, referred to as the 'Family Court') dated 27.08.2024, in H.M.O.P.No.1616 of 2022, the wife is before this Court by way of the present Appeal.

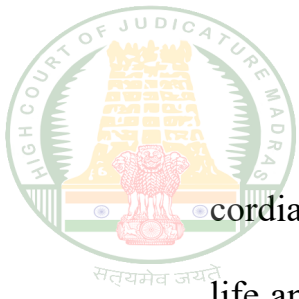


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2. The respondent/husband has filed the aforesaid Petition seeking for dissolution of marriage on the ground of 'Cruelty and Desertion'. By virtue of the order (impugned herein) divorce has been granted by the Family Court, Chennai.

3. Today, both the appellant/wife and the respondent/husband are present before us along with their respective learned counsel and filed a Joint Memorandum of Compromise dated 07.07.2026 duly signed by them as also by their respective counsel.

4. It is contended by the learned counsel for both the parties that though the Petition filed by the respondent for Annulment of marriage is allowed by the Family Court on the ground of cruelty and desertion, now, both the parties mutually agreed to have divorce by arriving at a consensus qua compromise. It is further contended that despite the intervention and untiring efforts of the well wishers, friends, relatives and the counsels to bring about reconciliation between the parties, there is no possibility of reconciliation between the parties, as the relationship between them is not



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cordial rather got strained and they are not inclined to live a happy marital life anymore. Therefore, the learned counsel jointly prayed for disposing of this Appeal in terms of the aforesaid Memo of Compromise.

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5. Both the appellant and the respondent are identified by their respective counsel before this Bench and both the parties informed the Court that re-union is highly impossible and they have decided to sever the marital tie once for all and also pleaded for the Original Application filed in H.M.O.P.No.1616 of 2022 to be converted into an Application filed for Mutual Divorce and prayed for grant of divorce by mutual consent.

6. It is also informed by both of them that the custody of the female child shall be with the appellant/wife and the respondent/husband will not claim for permanent custody over the child. However, insofar as, the visitation rights of the respondent is concerned, it is agreed before us that irrespective of the fact that in sub-para No.ii) and viii) of Paragraph No.3 of the said Joint Memo of Compromise dated 07.07.2026, the respondent has stated that he would waive all his visitation rights in respect of the minor



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child, it is agreed before us by both of them that the respondent, being the father of the minor female child, may be given the visitation rights to see his minor child. It is also informed by both of them that since they both are residing in Chennai, such visitation shall be in a common place as agreed by by them, and thus, prayed for appropriate orders.

7. Taking into consideration of the aforesaid submissions and the facts and circumstances of the case, we are of the view that there is no point in directing the appellant/wife and the respondent/husband to live in union, for the reason that, the marriage between the parties took place in the year 2018 (i.e. on 22.01.2018) and the dispute between them, which culminated in filing of Petition for Annulment of Marriage is of the year 2022, and it is informed by both of them that nearly for seven years they are living separately.

8. Therefore, we have no other option except to sever the nuptial knot of the parties, since, not only the endeavor made by their well-wishers to reunite them ended in futile but also ours.



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9. Therefore, as agreed to between the parties in the Joint Memo of Compromise dated 07.07.2026, which is filed out of their own volition and without any pressure or coercion from any side, we are inclined to order of dissolution of marriage by mutual consent, in terms of the said Memo of Compromise, however, with slight modification, thereby, giving exemption in regard to visitation rights of the child is concerned. Hence, we are inclined to pass the following orders/directions:-

i) As both the parties (appellant and the respondent) have agreed to dissolve their Marital Tie/Nuptial Knot through mutual consent and have sought liberty for conversion of the Petition filed before the Family Court, Chennai, for Dissolution of Marriage to be a Petition under Section 13(B) of the Hindu Marriage Act, 1955, as per their earnest desire, **the Divorce granted by the Family Court vide order dated 27.08.2024 is treated as Divorce by Mutual Consent.**



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ii) The respondent/husband is granted visitation rights to see his minor child on the **last Sunday of every English Calendar Month**. However, such visitation by the father shall be in such a manner that he picks up the child on Sunday forenoon and drops on the same day (Sunday) not later than 6.00 p.m.

and

iii) It is made clear that the respondent/Father is entitled to interact with the child and shall keep in touch with the child via. all modes of communication, viz., over the phone/skype/internet without disturbing the academic schedule of the child and with prior arrangement with the appellant. The appellant shall likewise have the right to be similarly, in touch with the child when she is in the respondent's custody during Sunday.

10. In view of the aforesaid Joint Memorandum of Compromise filed by the parties (viz., the appellant and the respondent) this Civil Miscellaneous Appeal is disposed of on the aforesaid terms. The Joint Memorandum of Compromise entered into between the parties dated 07.07.2026 is placed on record and the same shall form part and parcel of



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this Judgment. No costs. Consequently, connected miscellaneous Petition is closed.

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(N.S.K.J.) (M.J.R.J.)
20.07.2026

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Index : yes/no

Neutral Citation : yes/no

To

The IV Additional Principal Judge,
IV Additional Family Court, Chennai.



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**N.Sathish Kumar,J
&
M.Jothiraman,J.,**

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