

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2015

CORAM

THE HON'BLE MR. JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.M.A.No.3331 of 2013

K.Bharathi

.. Appellant/Petitioner

vs

K.Kotteswaran

.. Respondent/Respondent

This Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act against the judgment and decree dated 05.06.2013 made in F.C.O.P.No.137/2010 on the file of the Family Court, Salem.

For Appellant Ms.P.T.Asha

For Respondent No appearance

J U D G M E N T

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN,J.)

This appeal arises out of the dismissal of a petition filed by the appellant seeking dissolution of her marriage with the respondent.

2. F.C.O.P.No.137 of 2010 filed by the wife was dismissed by the Family Court, Salem, by a decree dated 05.06.2013. The appeal was filed in the year 2013. The parties have now agreed to have their marriage dissolved by a decree of divorce. Both of them have filed a Memo of Compromise which reads as follows:

'The above appeal arises against the judgment and decree dated 05.06.2013 in F.C.O.P.No.137 of 2010, on the file of Family Court, Salem. The said petitioner being Appellant herein is seeking a dissolution of her marriage dated 08.03.2009 with the respondent herein. The said petition was dismissed as against which the present appeal has been filed.

The parties hereto have been living apart since June 2009. Despite several rounds of mediation, the parties have not been able to reconcile their differences and the marriage has irretrievably broken down. There is no issue from out of this marriage. The parties have therefore decided to mutually part ways and have entered into certain terms of compromise which is reproduced herein below:

(i) That the marriage of the appellant and respondent has irretrievably broken down and there is no scope for reconciliation and they have been living separately since 02.06.2009.

(ii) That the appellant has agreed to reimburse a sum of Rs.1,60,000/- which has been spent by the respondent for the marriage expenses.

(iii) That the respondent had today received a sum of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand) and has no objection to the appeal being allowed.

(iv) That either party has no further claim against each other.

(v) That a decree in terms of the above compromise be passed by this Hon'ble Court and the memo of compromise may form part of the decree.''

3. In view of the above, the Civil Miscellaneous Appeal is allowed, the order of the Family Court is set aside and there will be a decree for divorce dissolving the marriage that took place between the appellant and the respondent on 08.03.2009. The parties will have no further or other claims against each other, since all money claims have been duly settled by this memo. No costs. The Memo of Compromise shall form part of the record.

-Sd/-
Asst.Registrar(CSII)

/true copy/

Sub Asst. Registrar

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To
The Presiding Officer,
The Family Court, Salem.
+1 cc to M/s.Sarvabhauman Associates sr.33240

C.M.A.No.3331 of 2013

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