

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CMSA No.4 of 2010 and  
M.P.No.1 of 2010

Narayanasamy ...Appellant/Respondent/  
Petitioner

versus

Indira ...Respondent/Appellant/  
Respondent

PRAYER: Civil Miscellaneous Second Appeal against the judgment and decree passed in C.M.A.No.67 of 2008 dated 10.07.2008 on the file of Additional District Court cum Fast Track Court No.2, Salem reversing the judgment and decree passed in HMOP No.32 of 2006 dated 11.03.2008 on the file of Sub-Court, Mettur.

For Appellant : Mr.Palani Selvaraj  
For Respondent : Mr.S.Selvaraj for  
M/s.S.Arunachalam Associates

J U D G M E N T

The appellant filed a petition for divorce in HMOP NO.32 of 2006. The Trial Court granted divorce. The order passed by the Trial Court was challenged before the First Appellate Court in C.M.A.No.67 of 2008. The learned Additional District Judge, Salem allowed the appeal by setting aside the decree dated 11.03.2008 in HMOP No.32 of 2006, by judgment dated 10.07.2009. Feeling aggrieved, the appellant has come up with this Civil Miscellaneous Second Appeal.

2. During the currency of this Civil Miscellaneous Second Appeal, the matter was referred to Tamil Nadu Mediation and Conciliation Centre for mediation. The parties have settled the matter in the presence of Mediators on 22.12.2015. As per the terms of settlement, the respondent agreed for a decree of divorce. In short, the respondent, agreed to restore the decree of divorce passed in HMOP No.32 of 2006. The respondent agreed for such a course subject to the condition that both the parties agreed to withdraw the allegations made in the respective pleadings. The parties have complied with the terms of compromise.

3. The learned counsel for the appellant and the respondent made a mention before this Court to post the Civil Miscellaneous Second Appeal for reporting settlement and grant a decree of divorce.

4. Accordingly, the matter is taken up for hearing. The learned counsel for the appellant and the respondent jointly submitted that the parties have adhered to the terms and conditions of the settlement as indicated in the Mediation Agreement dated 22.12.2015. The appellant, therefore, wanted a decree of divorce in terms of the agreement. The Mediation Agreement dated 22.12.2015 is taken on record.

5. The marriage of the appellant with the respondent is dissolved by a decree of divorce, pursuant to the settlement arrived at between the parties. In short, the marriage between the appellant and the respondent solemnised on 07.02.1990 stands dissolved by a decree of divorce.

6. The Civil Miscellaneous Second Appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki  
To

1. The Additional District Court cum  
Fast Track Court No.2, Salem
- 2.The Sub-Court, Mettur.
3. The Section Officer, VR Section, High Court, Madras.

+ 1 cc to M/s. S. Arunachalam, Advocate SR.61814  
+ 1 cc to M/s. Palani Selvaraj, Advocate SR.61760

CMSA No.4 of 2010

GMI (CO)  
Eu 20.12.16