

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 3.2.2016.

CORAM

THE HON'BLE MR.JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.1588 of 2013
and
M.P.No.1 of 2013

J.Indumathi Appellant/ Respondent

vs.

S.Venkatesan Respondent/ Petitioner

Civil Miscellaneous Appeal under Section 19 of the Family Court Act against the order dated 10.1.2013 passed in O.P.No.1503 of 2005 on the file of the III Additional Principal Judge, Family Court, Chennai.

For appellant : Mr.T.V.Sekar

For Respondents: Mr.M.L.Ramesh

JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR, J.)

Appeal is filed by the wife for setting aside the order passed by the III Additional Principal Judge, Family Court, Chennai, dissolving the marriage between the appellant and the respondent, in O.P.No.1503 of 2005, filed by the husband-respondent herein seeking divorce.

2. At the time of hearing of the appeal, a joint memo, duly signed by both the parties and their counsel is filed to the effect that the appellant-wife came forward to live with the respondent-husband and thereby he is willing to live with her for the interest and well being of the child, without prejudice to the contentions made in the divorce petition. The joint memo reads as follows:-

- "1. The respondent herein had filed HMOP seeking for divorce of the marriage with the petitioner herein.
2. The Family Court Chennai had allowed the petition granting divorce of the marriage.

3. As against the same the present Civil Miscellaneous Appeal is filed.

4. Pending this Appeal, the petitioner forward to live with the respondent and they had joined together. Hence, the decree of divorce granted may be set aside. The respondent is willing to live with the petitioner for the interest and well being of the child, that to without prejudice to the contentions made in the divorce petition.

5. Upon recording this joint memo, the Civil Miscellaneous Appeal may be disposed."

3. Recording the joint memo, the civil miscellaneous appeal is allowed. The order passed by the III Additional Principal Judge, Family Court, Chennai in O.P.No.1503 of 2005 is set aside. No costs. The connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ssk.

To

III Additional Principal Judge,
Family Court, Chennai.

1 cc to Mr.T.V. Sekar, Advocate, Sr. 7210

1 cc to Mr.M.L. Ramesh, Advocate, sr. 7214

C.M.A.No.1588 of 2013

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