



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2016

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CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.1291 of 2016

Godwin Gells

.. Appellant/1st petitioner

vs.

Kamali Hepzibah

.. Respondent/2nd petitioner

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the impugned order and decree passed by the learned Principal District Judge, Thoothukudi, in I.D.O.P.No.172 of 2015, dated 23.11.2015 by allowing this appeal.

For Appellant : Mr.M.Jerin Mathew

JUDGMENT

The present Civil Miscellaneous Appeal has been filed to set aside the impugned order and decree passed by the learned Principal District Judge, Thoothukudi, in I.D.O.P.No.172 of 2015, dated 23.11.2015, by allowing this appeal.

2. The marriage between the appellant and the respondent was solemnized on 19.02.2014, at St.John's Church, Nazareth. Due to the strained relationship between the parties, they had jointly filed a petition for dissolution of their marriage, by mutual consent, in I.D.O.P.No.172 of 2015, before the learned Principal District Judge, Thoothukudi.

3. When the consent petition was taken up for final hearing, the respondent wife appeared before the Court and stated that she is not willing to give consent for divorce. Recording the statement, the learned Principal District Judge, Thoothukudi, dismissed the petition as not maintainable, on 23.11.2015.

4. Considering the fact that the petition for mutual consent for divorce, presented before the learned Principal District Court, Thoothukudi, was dismissed as not maintainable, this Court is of the view that without the consent of both the



parties, no Court can pass any order dissolving the marriage. Hence, the present Civil Miscellaneous Appeal is devoid of merits and the same is dismissed.

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Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Thoothukudi.
2. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.JERIN NATHEW, ADVOCATE IN SR No. 72408

PJL

MK/GSV/PM/04.01.2017/2P-4C

CMA (MD) No.1291 of 2016
23.11.2016