

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and
THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Civil Miscellaneous Appeal No. 1232 of 2017
and
C.M.P. No. 6286 of 2017

B. Vijay .. Appellant /Respondent

Versus

N. Kaviya .. Respondent /Petitioner

Appeal filed under Section 19 (2) of the Family Courts Act, 1984 against the Order and Decreetal Order dated 28.10.2015 passed in HMOP No. 415 of 2014 on the file of Family Court, Erode.

For Appellant : Mr. Pitty Parthasarathy

For Respondent : Mr. Kaithamalai Kumaran

JUDGMENT

(JUDGMENT OF THE COURT WAS DELIVERED BY R. SUBBIAH, J)

The appellant is the husband and the respondent is the wife. The respondent/wife has filed HMOP No. 415 of 2014 on the file of Family Court, Erode against the husband/appellant for dissolution of the marriage dated 20.02.2009 solemnised between them on the grounds of cruelty and desertion. The Family Court, on conclusion of trial, passed a decree of divorce dated 28.10.2015 dissolving the marriage solemnised between the appellant and the respondent. Aggrieved by the same, the husband-appellant has come forward with this appeal.

2. When the appeal is taken up for hearing, the learned counsel for the appellant as well as the respondent brought to the notice of this Court that the appellant and the respondent have settled their dispute and they have also entered into a joint memo to that effect. A copy of the Joint Memo filed by the appellant and the respondent has been produced and it was duly signed by the appellant and the respondent along with their respective counsel. The relevant portion of the Joint Memo reads as follows:-

"2. The appellant and the respondent submit

that after negotiations and discussions between them, both of them came to conclusion that there is no possibility of reunion and both of them agreed for divorce. The appellant and respondent submit that the respondent gives up her monthly maintenance or permanent alimony from the appellant. The appellant and respondent submit that the son will be in the custody and care under the respondent.

3. The appellant and respondent submit that the respondent shall bring the son namely K. Kanish for visitation of the appellant from 10 am to 5 pm on 1st week of Sunday of every English month from August 2017. The appellant and the respondent submit that the venue for visitation of son may be fixed at the office of the lower court counsel on Sunday i.e., before the 1st week of Sunday. The appellant and respondent submit that if the respondent fails to bring the son on the 1st week of Sunday she has to bring the son on next Sunday.

3. Having regard to the above Joint Memo filed by the appellant and respondent, we confirm the decree of divorce granted by the Court below. Consequently, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. The Joint Memo filed by the appellant and the respondent shall form part of the records.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

TO

The Presiding Officer
Family Court, Erode.

+1cc to Mr.Pitty Parthasarathy, Advocate SR.No.50705
+1cc to Mr.A.K.Kumarasamy, Advocate SR.No.50595

CMA No. 1232 of 2017

SJ(CO)
GN(10/10/2017)