

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:26.10.2017
CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

C.M.A.No.1302 of 2015
and M.P.No.1 of 2015
and
C.M.A.No.1303 of 2015

V.Vadivel

.. Appellant
in both CMAs/
Respondent in HMOP.NO.52/2014/
Petitioner in HMOP.No.51/2014

Vs.

S.Sathya

.. Respondent
in both CMAs/
Petitioner in HMOP.No.52/2014
Respondent in HMOP.No.51/2014

C.M.A.No.1302 of 2015 : Civil Miscellaneous Appeal preferred under Section 19 of the Family Courts Act, 1984 to set aside the fair and decreetal order dated 19.05.2015 made in H.M.O.P.No.52 of 2014 on the file of the Family Court, Villupuram.

C.M.A.No.1303 of 2015 : Civil Miscellaneous Appeal preferred under Section 19 of the Family Courts Act, 1984 to set aside the fair and decreetal order dated 19.05.2015 made in H.M.O.P.No.51 of 2014 on the file of the Family Court, Villupuram.

For Appellant : Mr.N.Suresh
in both CMAs
For Respondent : Mr.V.S.Sivasundaram
in both CMAs

C O M M O N J U D G M E N T

[Judgment of the Court was delivered by A.SELVAM, J.]

These Civil Miscellaneous Appeals are directed against the common order dated 19.05.2015, passed in H.M.O.P.No.51 of 2014

and 52 of 2014, by the Family Court, Villupuram.

2.The appellant in C.M.A.No.1303 of 2015, as petitioner, has filed H.M.O.P.No.51 of 2014 on the grounds of both physical and mental cruelty, wherein, the present respondent has been shown as respondent.

3.Likewise, the respondent in C.M.A.No.1302 of 2015, as petitioner, has filed H.M.O.P.No.52 of 2014, for restitution of conjugal rights, wherein, the appellant has been shown as sole respondent.

4.The trial Court, after considering the available evidence on record, has allowed H.M.O.P.No.52 of 2014 and dismissed H.M.O.P.No.51 of 2014 by way of passing a common order. Against the common order passed in H.M.O.P.No.51 of 2014, C.M.A.No.1303 of 2015 and likewise, against the order passed in H.M.O.P.No.52 of 2014, C.M.A.No.1302 of 2015 have been filed.

5.During pendency of the same, both the appellant and respondent have entered into compromise and to that effect, a compromise memo has been filed.

6.Both the appellant and respondent along with their respective counsel are present. The appellant and respondent have been identified by their counsel. In respect of terms of compromise, both of them have uniformly agreed. Under the said circumstances, in terms of compromise, both the Civil Miscellaneous Appeals are liable to be disposed of.

In fine, both the Civil Miscellaneous Appeals are allowed. The common order passed in H.M.O.P.Nos.51 of 2014 and 52 of 2014 by the trial Court is set aside and H.M.O.P.No.51 of 2014 is allowed, whereas, H.M.O.P.No.52 of 2014 is dismissed. The marriage held between the appellant and respondent is dissolved. The Registry is directed to annexe the memo of compromise filed by both parties along with the decree. No costs. Connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

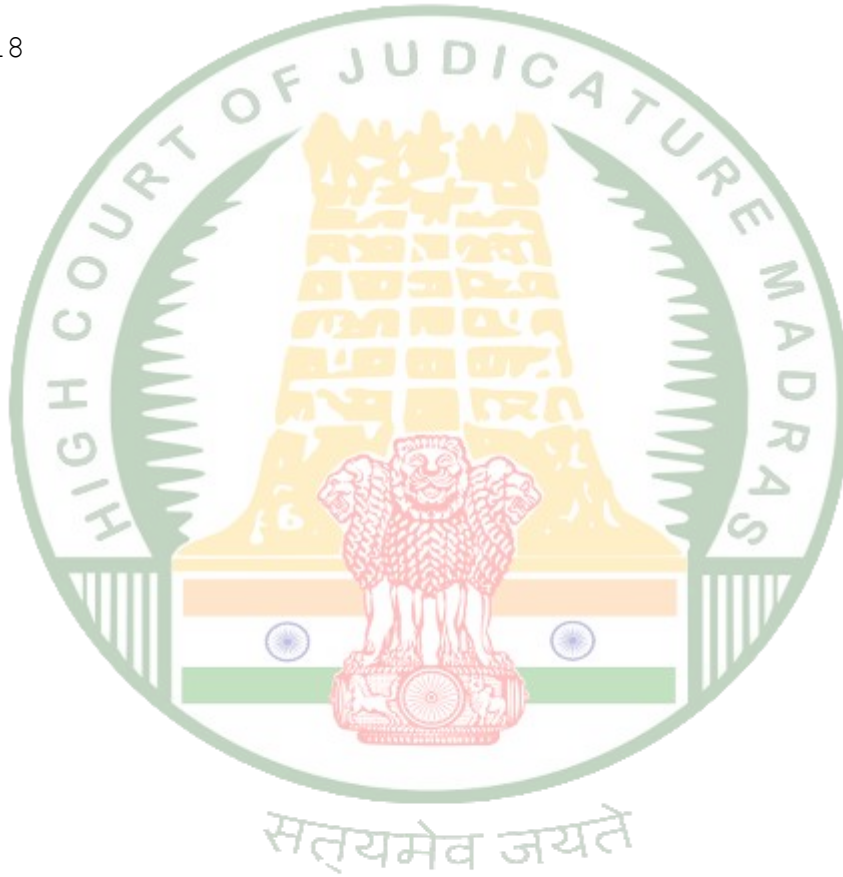
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To
The Judge
The Family Court,
Villupuram.

+1cc to Mr.V.S.Sivasundaram, Advocate Sr.No.75796
+1cc to Mr.N.Suresh, Advocate sR.No.76076 dt.9.7.2018

C.M.A.Nos.1302 & 1303 of 2015

VGII (CO)
sm:9.3.2018



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