

In the High Court of Judicature at Madras

Dated : 24.08.2017

Coram

The Honourable Mr.Justice R.SUBBIAH
and
The Hon'ble Mr.Justice P.VELMURUGAN

C.M.A.No.2577 of 2017

Sivaramakrishnan

..Appellant

..vs..

Kowsalya

..Respondent

Civil Miscellaneous Appeal has been filed under Section 19 (1) of the Family Courts Act, 1984, against the order dated 04.12.2014 passed in H.M.O.P.No.167 of 2014 on the file of the Family Court, Erode.

For Appellant : Mr.V.Balamurugane
For Respondent : Mr.G.Gokul

JUDGMENT

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

This appeal has been filed against the order and final order dated 04.12.2014 passed by the Family Court, Erode in H.M.O.P.No.167/2014, dissolving the marriage between the parties on 18.06.1986 by granting a decree of divorce.

2. On 23.08.2017, when the matter was taken up for consideration, both the appellant/ husband and the respondent / wife along with their respective counsel on record were present. They have submitted that after filing this appeal, they have resolved their dispute between them and they are living together happily and peacefully. When we enquired the parties about the factum of compromise, they have admitted the same and they have sought to set aside the decree of divorce granted by the Family Court, Erode in H.M.O.P.No.167/2014 on 04.12.2014.

3. Today, the parties have filed a joint memo dated 23.08.2017, which reads as follows:

"1. The first party (Appellant / husband) and the second party (Respondent / wife) were married on 18.06.1986. Out of the wedlock, two male children are also there.

2. Due to marital discord and differences arising between the parties, on 27.03.2013 the

second party had filed a petition under Section 13 (1)(i)(a)(i)(b) of Hindu Marriage Act, 1955 in H.M.O.P.No.167 of 2014 on the file of the Family Court, Erode (H.M.O.P.No.105 of 2013 on the file of the Principal Subordinate Court, Erode).

3. On 04.12.2014 the above petition seeking for Dissolution of Marriage was allowed by the Family Court, Erode and as such, the marriage between the parties herein dated at 18.06.1986 was dissolved by mutual consent of parties.

4. Subsequently, after the decree of divorce the first party and the second party herein have resolved their differences and have been living together peacefully and happily till date.

Hence, the first party and the second party jointly and solemnly affirm that they are living together and leading a marital life together. Hence, it is humbly prayed that the decree of divorce passed by the Family Court, Erode, on 04.12.2014 in H.M.O.P.No.167 of 2014 be set aside by recording this joint memo filed by the parties herein."

4. In view of the above, this Civil Miscellaneous Appeal is allowed and the order dated 04.12.2014 passed in HMOP.No.167 of 2014 by the Family Court, Erode is set aside. The Joint memo dated 23.08.2017 filed by the parties shall form part of this judgment.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

The Family Court, Erode.

C.M.A.No.2577 of 2017

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