

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-07-2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1196 and 1455 of 2012 &
M.P.Nos.1,2,1 of 2012 and M.P.No.1 of 2013

1.S.Loganathan @ Chandru
2.K.Sivakumar
3.S.Ambika

... Petitioners in
C.R.P.No.1196 of 2012

S.S.Subhasri

... Petitioner in
C.R.P.No.1455 of 2012

S.S.Subhasri

... Respondent in
C.R.P.No.1196 of 2012

1.S.Loganathan @ Chandru
2.K.Sivakumar
3.S.Ambika

... Respondents in
C.R.P.No.1455 of 2012

Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order dated 06.01.2012 made in I.A.No.98 of 2011 in G.W.O.P.No.10 of 2011 on the file of the District Court No.II, Kancheepuram.

In C.R.P.No.1196 of 2012:

For Petitioners : Mr.D.Ravichander

For Respondent : Mr.Manohar S.Sundaram

In C.R.P.No.1455 of 2012:

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.Manohar S.Sundaram

COMMON ORDER

Both the learned counsel for the petitioner and respondent submitted that all the matters between the husband and wife were settled amicably. The wife & her father and husband appeared before this Court and submitted that there is no possibility of living together as husband and wife and prayed for dissolving the marriage conducted on 04.06.2003. Both the parties filed memo of compromise dated 28.07.2017. The same is duly signed, attested by the parties and their respective counsel.

2. Being satisfied that the matter has been amicably settled, memo of compromise is recorded. H.M.O.P.No.142 of 2011 filed by the wife pending before the Sub-Court, Kancheepuram, for divorce is ordered to be withdrawn to the file of this Court by invoking power

under Article 227 of the Constitution of India and the said petition is treated as petition under Section 13B of Hindu Marriage Act. Consequently, H.M.O.P.No.94 of 2011 filed by the husband for restitution of conjugal rights on the file of the Sub-Court, Kancheepuram, G.W.O.P.No.10 of 2011 and I.A.No.98 of 2011 in G.W.O.P.No.10 of 2011 filed by the wife for custody of her minor son viz., K.L.Harunkumaran, on the file of the District Court No.II, Kancheepuram, are dismissed.

3. Further, it is made clear that both the parties consented to withdraw the allegations made against each other. A decree of divorce is therefore granted by consent in H.M.O.P.No.142 of 2011 under Section 13B of the Hindu Marriage Act. The wife will have the custody of minor sons. The husband is entitled for visitation right of his minor children on the fourth Sunday of every month.

4. The wife is also agreed to withdraw the case in C.C.No.109 of 2012 and C.C.No.96 of 2013 pending on the file of the learned Judicial Magistrate No.I, Kancheepuram. It is open to the husband to produce the copy of this order before the learned Judicial Magistrate No.I, Kancheepuram, for compounding offences.

5. With the above direction, the Civil Revision Petitions are disposed of. H.M.O.P.No.142 of 2011 is treated as petition under Section 13B of the Hindu Marriage Act. H.M.O.P.No.94 of 2011, G.W.O.P.No.10 of 2011 and I.A.No.98 of 2011 in G.W.O.P.No.10 of 2011 are dismissed. The joint memo of compromise shall form part of the decree. No costs. Consequently, connected Miscellaneous Petitions are closed.

28.07.2017

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To

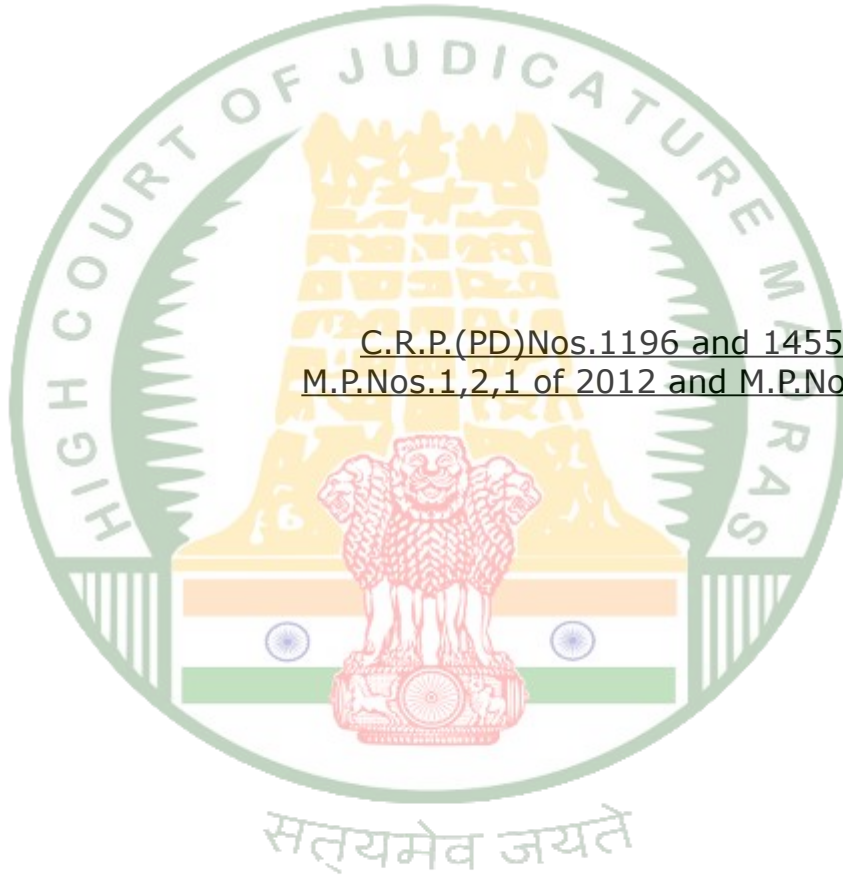
- 1.The District Judge No.II, Kancheepuram.
- 2.The Subordinate Judge, Kancheepuram.
- 3.The Judicial Magistrate No.I, Kancheepuram.

सत्यमेव जयते

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V.M.VELUMANI,J.

Kj



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