



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH**AND****THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

C.M.A.[MD].No.46 of 2015

L.T.Saravanan

: Appellant/Petitioner

Vs.

L.S.Jeyanthi

: Respondent/Respondent

PRAYER: Appeal is filed under Section 19 of Family Court Act against the order dated 06.03.2014, made in H.M.O.P.No.525 of 2010, on the file of the Family Court, Madurai.

For Appellant

: Mr.G.Radhakrishnan

For Respondent

: Mr.R.Sevugaraja,

For M/s.Motherland Associates

J U D G M E N T

[Judgment of the Court was delivered by R.SUBBIAH, J.]

This appeal is directed against the order dated 06.03.2014, made in H.M.O.P.No.525 of 2010, on the file of the Family Court, Madurai, whereby and whereunder, the prayer of the appellant herein to dissolve the marriage between him and the respondent solemnized on 25.05.2001 on the ground of cruelty and desertion, was rejected.

2. Today, when the matter was taken up for consideration, both the appellant and the respondent appeared in person before this Court. We enquired them and they told that the dispute between them was amicably settled and they have also filed a memo of compromise to that effect. The respondent/wife submits that she is willing to grant divorce to the appellant/husband. The memo of compromise reads as follows:

"1. The petitioner submits that the appellant and the respondent are husband and wife. Due to the matrimonial consumption the appellant and the respondent have two children namely 1) Jeyasri, aged about 13 years and 2) Sathish, aged about 10 years. In the year 2016 itself the misunderstanding between the appellant and the respondent arose. Thereafter the respondent lodged a criminal complaint which ended acquittal. In the meantime, the appellant filed divorce petition before the Hon'ble Family Judge, Madurai and the same was dismissed on 06.03.2014 having aggrieved by the order of the Family Judge, the present civil miscellaneous appeal filed by the appellant.



In the circumstances, the maintenance application filed by the respondent in M.C.No.15 of 2009 also pending before the learned Family Judge, Madurai.

2. It is respectfully submitted that now the parties are made compromise between them in the presence of their relatives and friends. Accordingly, the appellant has given an amount of Rs.7,25,000/- through Indian Bank demand draft bearing No.906792 dated 06.01.2017 as a permanent maintenance to the respondent and also the minor children and to that effect the parties have executed an unregistered compromise deed dated 06.01.2017 and the same may be treated as part and parcel of this memo. Since the respondent has no objection to allow the civil miscellaneous appeal granting divorce to the appellant without touching the other unnecessary allegations made in the grounds of appeal.

Therefore, it is prayed that this Hon'ble Court may be pleased to accept the compromise arrived at between the appellant and the respondent in C.M.A.(MD)No.46 of 2015 pending before this Hon'ble Court and pass orders accepting the compromise of the parties and pass further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice."

3. Therefore, this Civil Miscellaneous Appeal is allowed in terms of the memo of compromise dated 11.01.2017 and the order dated 06.03.2014, made in H.M.O.P.No.525 of 2010, on the file of the Family Court, Madurai, is set aside and consequently, decree of divorce is granted to the parties to the appeal. The memo of compromise shall form part of this judgment. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo

To

1. The Judge, Family Court, Madurai.
2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.G.RADHAKRISHNAN, ADVOCATE IN SR No. 2578