



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.S.A.(MD)No.14 and 15 of 2017

C.M.S.A(MD)No.14 of 2017:

R.Venkatachalam ... Appellant/Appellant/Respondent

Vs.

V.Deivanai @ Manju ... Respondent/Respondent/Petitioner

Prayer: Appeal filed under Section 28 of the Hindu Marriage Act read with Section 100 of the Code of Civil Procedure, against the judgment and decree dated 22.12.2016 passed in H.M.C.M.A.No.4 of 2016 by the learned District Judge, Sivagangai, in confirming the judgment and decree dated 18.03.2016 passed in H.M.O.P.No.96 of 2010 by the learned Subordinate Judge, Devakottai.

For Appellant : Mr.D.Rameshkumar
For Respondent : Mr.R.Venkateshwar

C.M.S.A(MD)No.15 of 2017:

R.Venkatachalam ... Appellant/Appellant/Respondent

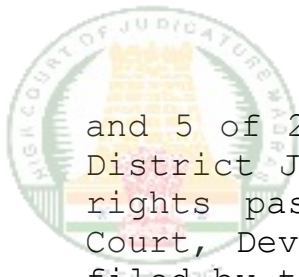
Vs.

V.Deivanai @ Manju ... Respondent/Respondent/Petitioner

Prayer: Appeal filed under Section 28 of the Hindu Marriage Act read with Section 100 of the Code of Civil Procedure, against the judgment and decree dated 22.12.2016 passed in H.M.C.M.A.No.5 of 2016 by the learned District Judge, Sivagangai, in confirming the judgment and decree dated 18.03.2016 passed in H.M.O.P.No.105 of 2010 by the learned Subordinate Judge, Devakottai.

For Appellant : Mr.D.Rameshkumar
For Respondent : Mr.R.Venkateshwar

COMMON JUDGMENT



and 5 of 2016. By a common judgment dated 22.12.2016, the learned District Judge has confirmed the decree of restitution of conjugal rights passed in H.M.O.P.No.96 of 2010 on the file of the Sub Court, Devakottai as well as dismissal of the petition for divorce filed by the husband in H.M.O.P.No.105 of 2010.

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2. The parties to these appeals have now settled the dispute between themselves and have filed a Joint Compromise Memo, dated 13.04.2017. As per the said Joint Compromise Memo, it is stated that they have no objection for the decree for restitution of conjugal rights being set aside and the divorce being granted.

3. The parties are also present before this Court and both of them have admitted the terms of the compromise. The said Joint Compromise Memo, dated 13.04.2017, has also signed by the respective learned Counsel for the parties.

4. In view of the same, the judgment and decree passed by the lower appellate Court are set aside and both the Civil Miscellaneous Second Appeals are allowed. H.M.O.P.No.105 of 2010 filed by the husband seeking divorce stands allowed and the marriage between the parties stands dissolved by way of a decree for divorce. H.M.O.P.No.96 of 2010 filed by the wife seeking restitution of conjugal rights stands dismissed. The Joint Compromise Memo, dated 13.04.2017, will form part of the decree. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Judge, Sivagangai.
- 2.The Subordinate Judge, Devakottai.

Copy To:-

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.D.RAMESHKUMAR, ADVOCATE IN SR No. 52593

RSB

TE/SKN-RSK/SAR-I : 01/06/2017 : 2P/5C