

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATED: 02.07.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1412 of 2018
and
C.M.P.No.11315 of 2018

Narasimman ... Appellant/Petitioner

Vs.

M.Deepa ... Respondent/Respondent

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act, 1984 against the order and decreetal order dated 23.02.2018 passed by the learned Family Court, Dharmapuri in F.C.H.M.O.P.No.25 of 2018.

For Appellant : Mr.V.Sakkarapani

For Respondent : Mr.Deepan Uday

JUDGMENT

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

This appeal has been filed against the order dated 23.02.2018 in F.C.H.M.O.P.No.25 of 2018 by the Family Court, Dharmapuri.

2. The appellant herein is the husband and the respondent herein is the wife. The marriage between the appellant and the respondent took place on 16.09.2015 as per Hindu rites and customs at Shrimath Ananda Theertha Shri Ragavendarar Dyana Mandapam, Papparapatti, Agraharam, Dharmapuri District. Subsequent to marriage, there was matrimonial dispute between the parties. Hence, the appellant filed H.M.O.P. Petition before the Family Court, Dharmapurai, seeking divorce on the ground of cruelty under Section 13(1)(i-a) (i-b) of the Hindu Marriage Act. The said petition was dismissed by the Family Judge, Dharmapuri, on the ground that the petition is devoid of merits. Aggrieved over the same, the Appeal has been filed by the husband/ appellant.

3. Today, when the matter is taken up, the parties are present before this Court along with the respective counsels. They submitted that the dispute between them was amicably settled among themselves and they have also entered into a compromise. They have also filed a joint memo of compromise dated 28.06.2018 before this Court signed by them along with their respective counsels. The said Joint Memo of Compromise reads as follows:

"The petitioner and the Respondent beg to submit as follows:

1. The petitioner submits that the above Civil Miscellaneous Appeal is filed against the Fair and Decretal order in F.C.H.M.O.P.No.25 of 2018 on the file of the Family Court, Dharmapuri dated 23.02.2018.

2. The petitioner submits that on 16.09.2015, the petitioner got married to the respondent at Shrimath Ananda Theertha Shri Ragavendarar Dyana Mandapam, Papparapatti, Agraharam, Dharmapuri District and the marriage was solemnized as per the Hindu rites and customs before both side relatives and friends.

3. The petitioner further submits that the petitioner is an I.T.I. Graduate and the petitioner is working as a sales manager in the RVR Suzuki Showroom. The petitioner submits that after the marriage there was a some misunderstanding arose between them and the respondent left her matrimonial and went to her parent's home and now both are living separately from 2015.

4. The petitioner further submits that on 07.06.2017 the petitioner filed a Divorce petition before the sub court at Dharmapuri and same was transferred to the Family Court, Dharmapuri and renumbered as F.C.H.M.O.P.No.25 of 2018. The petitioner further submit that summon was served to the respondent in F.C.H.M.O.P.No.25 of 2018 and she appeared and filed her counter and thereafter she did not appear before the court on several hearing and therefore the respondent was set exparte and the petitioner filed proof affidavit and marked his side

document and the same was dismissed on 23.02.2018. Aggrieved by the order the petitioner filed the above Civil Miscellaneous Appeal along with stay application.

5. The petitioner further submits that Now differences between the parties were amicably settled out of court before the village elders and their family members, now the respondent agrees to give No Objection for divorce to the petitioner. The petitioner and the respondent herein undertake and assure that each of them will not lodge any complaint against each other in future.

6. The petitioner and Respondent have filed this joint compromise memo before this Hon'ble High Court. The petitioner and the Respondent agree to appear before the Hon'ble High Court and give their consent for granting divorce.

7. The petitioner and the Respondent submit that they have voluntarily come forward and filing this Joint Compromise Memo without any coercion or undue influence.

8. It is made clear in an unambiguous manner both the parties should not disturb either of them or their family members in any manner whatsoever in future. Both the petitioner and the respondent agree to render their full co operation in performing their respective obligation under this Compromise Memo.

It is therefore prayed that this Hon'ble Court may be pleased to accept the Joint Compromise Memo filed by the petitioner and the Respondent and pass suitable or other orders as this Honorable Court may deems fit and thus render justice."

4. In view of the joint memo of compromise filed by the parties dated 28.06.2018, the Civil Miscellaneous Appeal is allowed, setting aside the order and decree dated 23.02.2018 passed by the learned Family Court, Dharmapuri, in HMOP.No.25 of 2018. The marriage between the appellant and the respondent solemnized on 16.09.2015 is dissolved. The joint memo of

compromise dated 28.06.2017 shall form part of the decree. Consequently, connected miscellaneous petition is closed. No costs.

(Compromise memo of xerox copy enclosed)

Sd/-
Assistant Registrar(CS)

//True Copy//

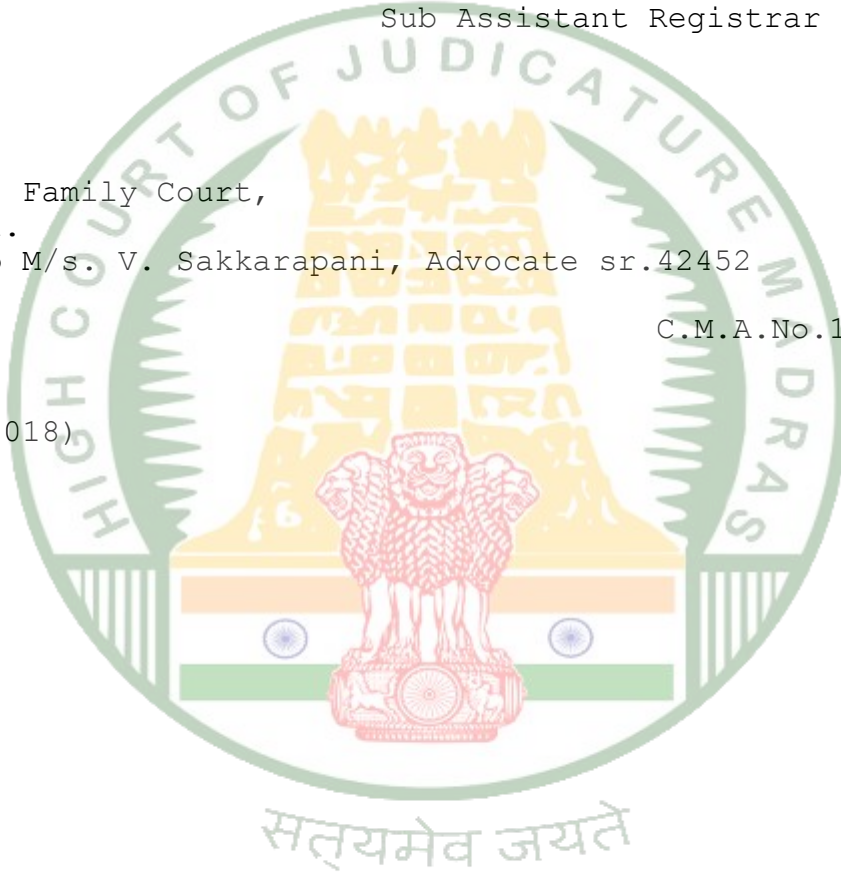
Sub Assistant Registrar

vsi
To

The Judge, Family Court,
Dharmapuri.
+ 2 ccs to M/s. V. Sakkarapani, Advocate sr.42452

C.M.A.No.1412 of 2018

NMI (CO)
EU(28/08/2018)



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