

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATED: 22.06.2018

CORUM

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

C.M.A.No.366 of 2018

S.Prabu ... Appellant

Vs.

P.Jayamathi @ Chitra ... Respondent

Civil Miscellaneous Appeals have been filed under Section 19 of the Family Courts Act, 1988 against the order dated 09.09.2015 passed by the learned Family Court, Erode in H.M.O.P.No.473 of 2014.

For Appellant : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.S.Kumar Sankar

JUDGMENT

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

This appeal has been filed against the order dated 09.09.2015 in H.M.O.P.No.473 of 2014 by the Family Court, Erode.

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 22.02.2013 as per Hindu rites and customs at B.K.C.M. Murugakonar - Karupayammal Thirumana Mandapam at Ummachikulam in Madurai. Subsequent to marriage, there was matrimonial dispute between the parties. Hence, the appellant herein filed H.M.O.P.No.473 of 2014 under Section 13 (1)(a-i) of the Hindu Marriage Act on the ground of cruelty. The Family Judge, Erode, dismissed the said petition. 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 already settled among themselves and they have also entered into a compromise deed dated 04.12.2017 and the said document was recorded in the presence of Notary Public. They further submitted that now, they

are filing a joint memo of compromise dated 19.03.2018 before this Court signed by them along with their respective counsels. The said joint memo of Compromise reads as follows:

1. The Appellant herein had filed the above Appeal against the fair and final order dated 09.09.2015 in HMOP.473 of 2014 on the file of family court Erode, challenging the dismissal of the divorce petition filed by the husband. During the pendency of condone delay petition CMP.16393 of 2017 in CMA.Sr.74407 of 2017 the parties entered into a Compromise, the said Compromise was also recorded in the Presence of a Notary Public and Attestors to the document.

2. As per the term of the compromise the respondent/ wife herein had agreed for divorce and had received a sum of Rs.2,50,000/- towards permanent alimony and had also agreed to consent for divorce in CMA.No.366 of 2018.

3. Accordingly, the HMOP.No.473 of 2014 on the file of family court may be allowed as prayed for by allowing the CMA.366 of 2018 on the file of this Hon'ble court. The Joint compromise deed dated 04-12-2017 entered into between the parties shall form part of the decree and thus render justice.

4. In view of the joint memo of compromise filed by the parties dated 19.03.2018, the civil miscellaneous appeal is allowed, setting aside the order and decree dated 09.09.2015 passed by the learned Family Court, Erode in HMOP.No.473 of 2014. The marriage between the appellant and the respondent solemnized on 22.02.2013 is dissolved. The compromise deed dated 04.12.2017 and the memo of compromise dated 19.03.2018 shall form part of the decree. No costs.

Encl:- Xerox Copy of Joint Memo of Compromise

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vsi

To

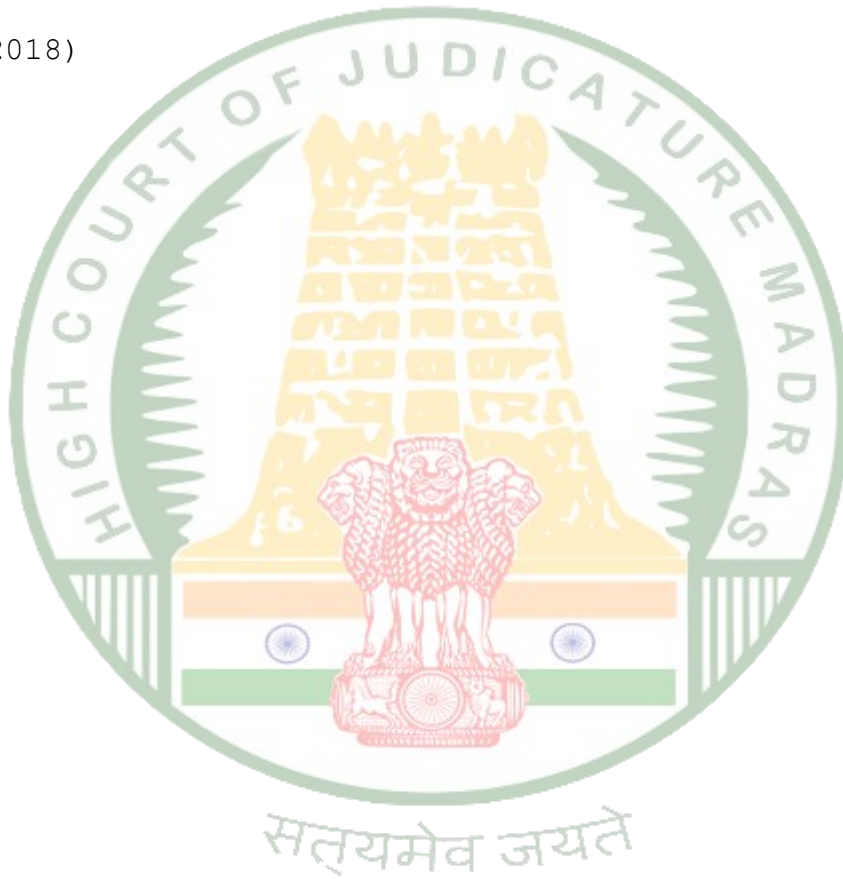
1.The Family Court,
Erode.

+1cc to Mr.A.K.Kumarasamy, Advocate, S.R.No. 39333

+1cc to Mr.A.S.Kumarasankar, Advocate, S.R.No. 39325

C.M.A.No.366 of 2018

SS(CO)
GN(17/09/2018)



WEB COPY