

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2018

CORAM

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

C.M.A.No.2593 of 2017

V.Susan Rachael Dass ... Appellant/Petitioner

Vs.

R.Dharmendra ... Respondent/Respondent

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act against the judgment and decree dated 11.04.2014 passed by the Family Court, Puducherry, made in M.O.P.No.64/2008.

For Appellant : Mr.Bharatha Chakravarthy

For Respondent : Mr.M.Baskaran

JUDGMENT

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

This appeal has been filed against the judgment and decree dated 11.04.2014 on the file of the Family Court , Puducherry made in M.O.P.No.64/2008.

2. The appellant herein is the wife and the respondent herein is the husband. The marriage between the appellant and the respondent was duly arranged by elders and was solemnised on 07.06.2004 according to Christian rites and customs. Subsequently, there was misunderstanding between the husband and wife. Hence, the appellant/wife filed M.O.P.No.64 of 2008 before the Family Court at Pondicherry under Article 231 of the fench Civil Code on the ground of cruelty and desertion. The said petition was dismissed by the learned Family Judge, Puducherry, by order dated 11.04.2014. Aggrieved over the same, the appellant/ wife has filed the present Appeal.

3. Today, when the matter is taken up for consideration, learned counsels appearing on either side submitted that the

dispute between the parties was amicably settled among themselves and they mutually agreed for dissolving the marriage held on 07.06.2004. Both the parties are present before this Court. They have also filed a joint memo of compromise dated 03.08.2018 before this Court signed by them along with their respective counsels. The said joint memo of Compromise reads as follows:

1. The appellant has filed the above appeal against the decree and judgment passed in M.O.P.No.64 of 2008 dated 11.04.2014 on the file of the Hon'ble Family Court at Puducherry thereby dismissing the divorce petition.

2. The Appellant and the respondent without admitting the allegation in the original petition in M.O.P.No.64 of 2008 on the file of the Hon'ble Family Court at Puducherry enters into this joint compromise memo.

3. The appellant and respondent hereby not presses/ withdraws all the allegations in the original petition in M.O.P.No.64 of 2008 on the file of the Hon'ble Family Court at Puducherry and as such this Hon'ble Court may be pleased to allow the above Civil Miscellaneous Appeal on the terms of compromise entered between the appellant and the respondent.

4. The appellant and respondent states that the minor child namely George Naveen Saamuel is in the custody of the appellant from the time of his birth. He is given proper care and education by the appellant mother. Considering the best interests of the Minor Child, the appellant and the respondent are agreeing that the custody of the child George Naveen Saamuel shall be with the Appellant.

5. The appellant and respondent agree that there are no claims as against each other. The appellant shall not claim any alimony or maintenance of any nature whatsoever.

6. The appellant and respondent agrees for a Decree and Judgment dissolving the marriage between them held on 07.06.2004 at Puducherry.

4. In view of the above joint memo of compromise filed by the parties dated 03.08.2018, the civil miscellaneous appeal is allowed, setting aside the order and decree dated 11.04.2014

passed by the Family Court, Puducherry, in M.O.P.No.64 of 2008. The marriage between the appellant and the respondent solemnised on 07.06.2004 at Puducherry, is dissolved. The joint memo of compromise dated 03.08.2018 shall form part of the decree. No costs.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

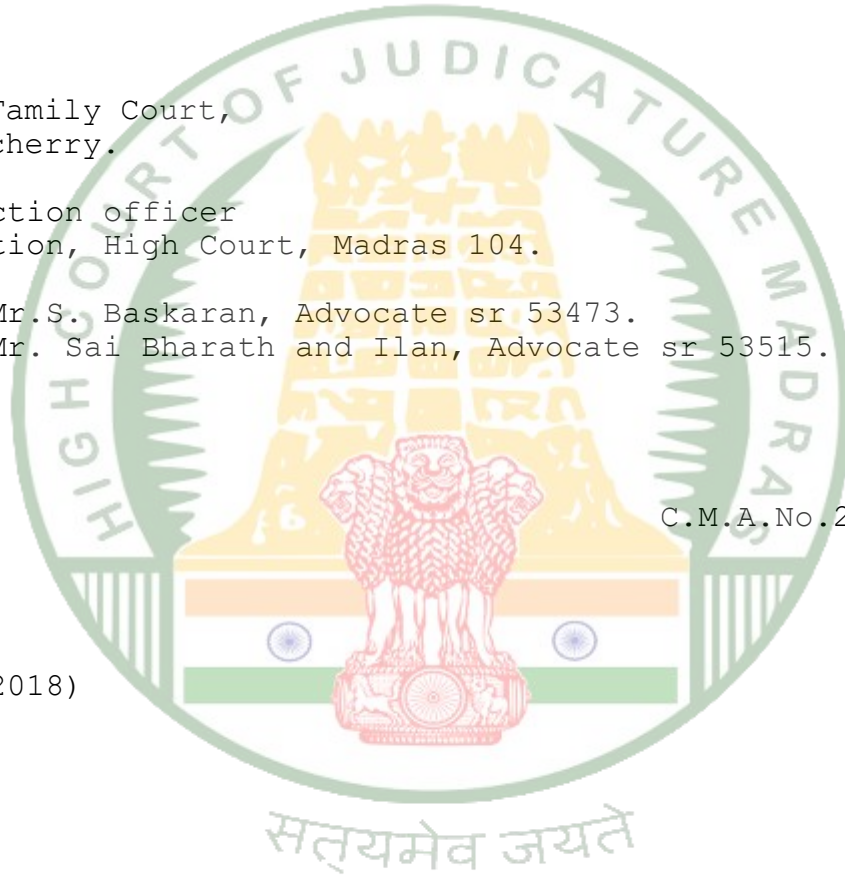
vsi

To

1. The Family Court,
Puducherry.
 2. The Section officer
VR Section, High Court, Madras 104.
- +1 CC to Mr.S. Baskaran, Advocate sr 53473.
+1 CC to Mr. Sai Bharath and Ilan, Advocate sr 53515.

C.M.A.No.2593 of 2017

SR(CO)
SP(20/09/2018)



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