

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.01.2018

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

C.M.A.No.3025 of 2017

and

C.M.P.No.18240 of 2017

B.Aishwarya Janani

... Appellant/Respondent

vs.

Saravanan B

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the order and decree dated 18.09.2017 passed in O.P.No.4797 of 2016, by the IV Family Court, Chennai.

For Appellant : Mr.V.Anuradha

For Respondents : Mr.C.V.Kumar

JUDGMENT

(Judgment of the Court was delivered by A.SELVAM,J.)

This Civil Miscellaneous Appeal has been directed against the order dated 18.09.2017, passed in O.P.No.4797 of 2016, by the Family Court, Chennai.

2.The respondent herein, as petitioner, has filed O.P.No.4797 of 2016, on the file of the trial Court, under Section 13(i)(ia) of the Hindu Marriage Act, 1955, praying to dissolve the marriage held between the petitioner and respondent, on 08.06.2014.

3.The trial Court, after considering the available evidence on record, has allowed the petition and thereby dissolved the marriage held between the petitioner and respondent by way of passing the impugned order and the same is being challenged in the present Civil Miscellaneous Appeal.

4.During pendency of the present Civil Miscellaneous Appeal, the learned counsel appearing for the appellant and respondent have made a joint endorsement to the effect that divorce can be granted between the parties on mutual consent.

5.Considering the joint endorsement made by the learned

counsel appearing for both sides and also considering the consent expressed by both the appellant and respondent to the effect that divorce can be granted on mutual consent, this Court is inclined to pass the following order.

In fine, this Civil Miscellaneous Appeal is allowed in part. The order passed in O.P.No.4797 of 2016, by the trial Court, on the ground of cruelty, is set aside. The marriage between the appellant and respondent is dissolved by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

msk

To

1.The IV Additional Family Court, Chennai.

2. The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr.C.V.Kumar, Advocate SR.No.7713

+1cc to Mr.T.Sundaram, Advocate SR.No.7007

CMA . No.3025 of 2017

SJ(CO)
GN(26/02/2018)

सत्यमेव जयते

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