

IN THE JUDICATE OF MADRAS HIGH COURT

DATED : 30.01.2018

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

C.M.A.No.790 of 2014

J.Cerelia Elma

... Appellant

Vs.

A.Samuel Dhinagar

... Respondent

Civil Miscellaneous Appeal has been filed under Section 55 of the Indian Divorce Act, 1896 as against the order and decreetal order passed by the Family Judge, Coimbatore, dated 07.08.2013 in D.O.P.No.558 of 2010.

For Appellant : Mr.S.S.Rajesh

For Respondent : Mr.S.Sathish Rajan

* * * * *

JUDGMENT

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

This appeal has been filed by the appellant/wife challenging the order dated 07.08.2013 in D.O.P.No.558/2010 passed by the learned Family Court Judge, Coimbatore, dismissing the petition filed by the appellant/wife seeking to dissolve the marriage between the appellant and the respondent that took place on 28.08.2008.

2.Today, when the matter is taken up, the learned counsel on both sides submitted that the parties have arrived at an amicable settlement and they have also filed a joint compromise memo dated 30.01.2018, stating that the respondent/husband agreed for dissolving the marriage between him and the appellant. We have also enquired the parties, who are present before this Court, and the respondent/husband agreed for the dissolution of the marriage. The Joint Compromise Memo dated 30.01.2018 has been filed and the same is recorded. The terms and conditions mentioned in the Joint Compromise Memo read as follows_

"2.Pursuant to the filing of the present Civil Miscellaneous Appeal the parties herein have agreed to submit themselves for

compromise wherein the respondent consensus for grant of dissolution of marriage between the appellant and the respondent dated 28.08.2008 barring the allegations.

3.Insofar as the other issues the parties have agreed that they will agitate the same before the respective courts under the Domestic Violence Act in DVA No.7 of 2010 before the Judicial Magistrate-I, Coimbatore and Dowry Harassment in C.C.No.158 of 2013 (formerly C.C.No.317 of 2010) before the Additional Mahila Court, Coimbatore.

The parties hereby pray that this Hon'ble Court may be pleased to grant an order of divorce by dissolving the marriage between the appellant and that respondent dated 28.08.2008 solemnised at T.V.S.Nagar CSI Church Coimbatore and granting liberty to the parties to agitate the other grievances before the appropriate courts as detailed supra and pass such other suitable orders on the facts and circumstances of the case and thus render justice.

3.In view of the above said compromise memo, this Civil Miscellaneous Appeal is allowed and the impugned order dated dated 07.08.2013 in D.O.P.No.558/2010 passed by the learned Family Court Judge, Coimbatore, is hereby set aside. The marriage between the appellant and the respondent is dissolved. The Joint Compromise Memo dated 30.01.2018 filed by the parties shall form part of this judgment. No costs.

Enclosed: Xerox copy of the Memo of Compromise dated 30.01.2018

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To,

1.The Family Court,
Coimbatore.

2.The Judicial Magistrate No.1.
Coimbatore.

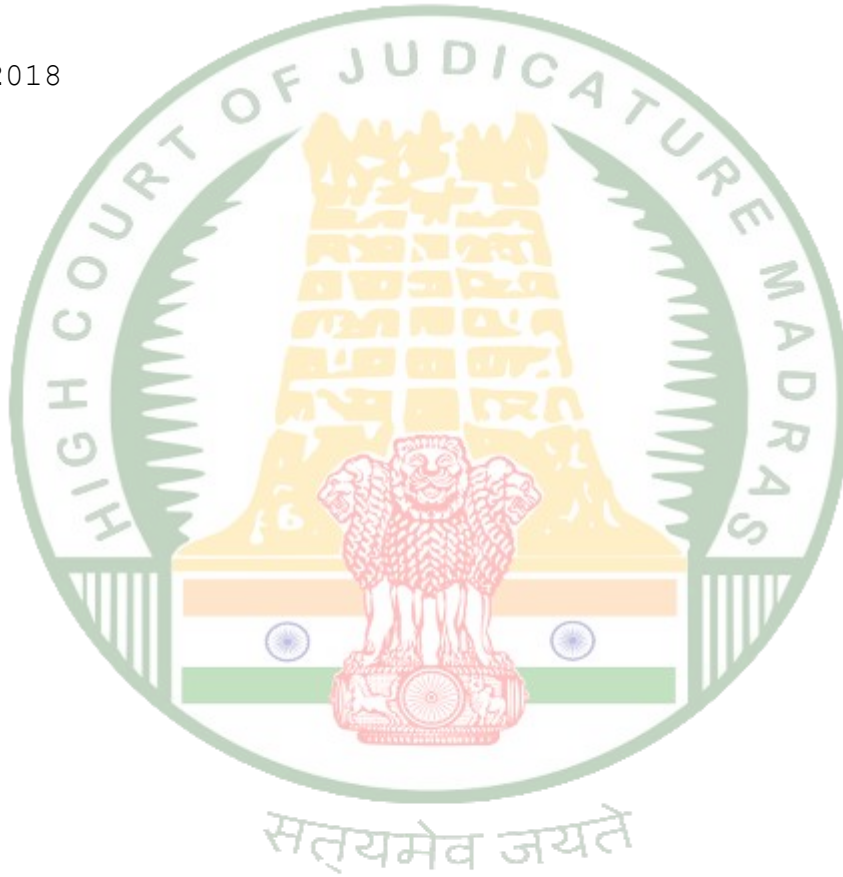
3.The Additional Mahila Court, Coimbatore.

+ 2 cc to Mr.S.S.Rajesh Advocate,SR.6780

+ 1 cc to Mr.S.Sathish Rajan Advocate,SR.6485

C.M.A.No.790 of 2014

rr(co)
nr 03/04/2018



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