

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :06.09.2018

CORAM
THE HON'BLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

C.M.S.A.No.38 of 2012

D.Saravanan

... Appellant

Vs.

J.Priya

... Respondent

Prayer:- Civil Miscellaneous Second Appeal filed under section 100 of the C.P.C. r/w Section 28 of Hindu Marriage Act 1956 praying to set aside the Judgment and Decree made in C.M.A.No.46 of 2011 on the file of the Principal District Judge, Cuddalore District, dated 22.06.2012 and thereby confirming the Decree and Judgment made in H.M.O.P.No.89 of 2008 on the file of the Principal Subordinate Judge, Cuddalore District, dated 13.07.2011.

For Appellant :Mr.K.A.Ravindran

For Respondent :Mr.R.Gururaj

J U D G M E N T

This Civil Miscellaneous Appeal has been filed against the Judgment and Decree made in C.M.A.No.46 of 2011 by the Principal District Judge, Cuddalore District dated 22.06.2012.

2.The husband filed H.M.O.P.No.89 of 2008 before the Principal Subordinate Judge, Cuddalore District against the wife for divorce/dissolving the marriage dated 02.02.2006 . The H.M.O.P. No.89 of 2008 was allowed and the marriage between the appellant and the respondent dated 02.02.2006 was dissolved by Decree of divorce by the Principal Subordinate Judge, Cuddalore and against the same the wife filed an appeal before the Principal District Judge, Cuddalore in C.M.A.No.46 of 2011 and the Principal District Judge has reversed the order of the trial Court by setting aside the same and allowed the appeal of the wife. Against the said decree and Judgment of the Principal District Judge, Cuddalore, the husband has preferred this Civil Miscellaneous Second Appeal.

3.It was submitted by the learned counsel for the parties that both the parties have settled the issue by making a declaration deed dated 14.11.2016 before their parents and the Village elders that they are agreeing for separation and they produced a copy of the said declaration deed dated 14.11.2016 before this Court. It has been further stated by the learned counsel on both sides that both the parties are living separately and they are interested in leading a new life and accordingly, they made the decision to live apart.

4.The learned counsel for the respondent/wife also made an endorsement before this Court that the marriage between the parties may be dissolved and the appeal may be allowed without cost.

5.In view of the submissions of the learned counsel for both sides and also based on the endorsement made by the learned counsel for the respondent/wife and the declaration deed dated 14.11.2016 entered between the appellant/husband and the respondent/wife, this appeal is allowed and the divorce granted by the learned Principal Subordinate Judge, Cuddalore in HMOP.No.89 of 2008 is confirmed and the decree and judgment of the Principal District Judge, Cuddalore made in CMA.No.46 of 2011 is set aside. No costs.

Sd/-
Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

at/bkn
To

1.The Principal District Judge,
Cuddalore.

2.The Principal Subordinate Judge,
Cuddalore District.

+1cc to Mr.K.A.Ravindran , Advocate SR.No. 61660
+1cc to Mr.R.Gururaj , Advocate SR.No. 62295

C.M.S.A.No.38 of 2012

A.SK(01/03/2019)