

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATE : 09.04.2018

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

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

C.M.A.Nos.2687 & 2688 of 2013

and

M.P.No.1 of 2013 in C.M.A.No.2687 of 2013

C.Samayambigai ... Appellant in both CMAs/Respondent

Vs.

S.Anbazagan ... Respondent in both CMAs/Petitioner

Civil Miscellaneous Appeals have been filed under Section 19 of the Family Courts Act against the decree and judgment dated 26.11.2010 made in F.C.O.P.Nos.228 & 105 of 2008 respectively, passed by the learned Family Court Judge at Salem.

For Appellant : Mr.A.Md Ismail

For Respondent : Mr.R.Nalliyappan

JUDGMENT

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

The marriage between the appellant/wife and the respondent/husband was solemnized on 12.02.1984 as per Hindu rites and customs at Mudaliarpur, Pondicherry. Subsequently, due to matrimonial disputes, the appellant/wife had filed a petition in F.C.O.P.No.228 of 2008 before the Family Court at Salem, under Section 13(1)(ia) of the Hindu Marriage Act, seeking to dissolve the marriage. The respondent/husband had filed a petition in F.C.O.P.No.105 of 2008 under Section 9 of the Hindu Marriage Act, seeking for restitution of conjugal rights. The court below by common order dated 26.11.2010 has dismissed the petition in F.C.O.P.No.228 of 2008 filed by the wife for dissolution of marriage and consequently, allowed the petition in F.C.O.P.No.105 of 2008 filed by the husband for restitution of conjugal rights. Aggrieved over the same, the present appeals have been filed by the wife.

2.Today, when the matter is taken up, both the parties appeared along with their respective counsel and they filed a joint compromise memo, dated 09.04.2018, stating that they have amicably resolved the disputes among themselves and they decided to live together. The relevant portion in the joint compromise memo reads as follows_

"....Now that both the petitioner and the respondent herein have agreed for an unconditional re-union and also have agreed that all litigations between them shall be withdrawn."

3.Recording the above said Joint Compromise Memo, the appeal in C.M.A.No.2687 of 2013 is dismissed and the appeal in C.M.A.No.2688 of 2013 is disposed of, in terms of the joint compromise memo. The Joint Compromise Memo filed by the parties shall form part of the decree. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS V)

Encl:Xerox copy of joint compromise memo

//True Copy//

Sub Assistant Registrar

To,
The Family Court Judge,
Salem.

+1cc to Mr.R.Nalliyappan, Advocate SR.No.26012/18

SJ(CO)
sm:29.6.2018

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