

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 20.02.2018

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

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

C.M.A.No.3553 of 2013

Revathi ... Appellant/Petitioner

Vs.

Asokan ... Respondent/Respondent

Civil Miscellaneous Appeal has been filed under Section 19 (1) of the Family Courts Act against the order and decree dated 26.04.2011 in F.C.O.P.No.9 of 2009 passed by the Hon'ble Family Court at Salem.

For Appellant : Dr.C.Ravichandran

For Respondent : Mrs.C.Sangamithiran

JUDGMENT

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

The marriage between the appellant/wife and the respondent/husband was solemnized on 13.09.1981 at Sengunthar Mudaliar Thirumana Mandapam, Ammapet, Salem Town. Subsequently, due to matrimonial disputes, the appellant/wife has filed a petition in F.C.O.P.No.9 of 2009 before the Family Court at Salem, under Section 13(1)(ia)(ib) of the Hindu Marriage Act, seeking to dissolve the marriage between the appellant and the respondent. But, the said OP was dismissed by the Family Court at Salem by order dated 26.04.2011. Aggrieved over the same, the present appeal has been filed by the appellant.

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 14.10.2015, stating that they have amicably resolved the disputes among themselves. The respondent/husband has also agreed for dissolution of the marriage. The terms and conditions mentioned in the joint compromise memo (English version) read as follows

"This Deed of Agreement dated 14.10.2015 entered into between (1) Ms.A.Revathy D/o.S.Ramalingam, (2)S.A.Kannan, S/o.A.Revathy and (3)A.Sindhuja, D/o.A.Revathy residing at Door No.544, Thiru-Vi-Ka Salai, Ammapettai, Salem Town, Salem District, hereinafter called A Party.

AND

S.Asokan S/o.S.Sami Venkatachalam, residing at Door No.218/3, Hare Krishna Street, Rajaram Nagar, Salem Town, Salem District, hereinafter called B Party.

1.The first numbered in A Party and B party are wife and husband. The second and the third numbered of A Party are children of the first numbered in A Party and B Party.

2.Due to difference of opinion between first numbered of A Party and B Party, the first numbered of A Party filed by divorce petition and since divorce petition was dismissed, the first numbered of A Party filed Appeal before the Hon'ble High Court, Madras which is still pending.

3.The aforesaid Appeal was referred to mediation for conciliation by the Hon'ble High Court, Madras and despite several sittings, no solutions has been arrived into. During those mediation process no solution has been reached by the B Party, on account of dispute over the property and hence B Party does not agree for divorce.

4.Now on account of intervention by common friends of both parties the dispute regarding the property has come to end and agreed upon to by both the parties. At this juncture B Party agreed that B Party will not interfere in the share amount of A Party and A Party agreed, A Party will not interfere in the share amount of B Party and further two and three numbered in A Party have been agreed to be up kept by the A Party. In future the persons mentioned in A Party will assure that they will not seek any help and money from B Party.

5.In the aforesaid manner, a solution has been reached between A Party and B Party and B Party consents for divorce in the divorce proceedings to the first numbered in A Party. B Party agrees to file this Deed of Agreement in the above Appeal proceedings pending before Hon'ble High Court, Madras. The above have been reached without interference of anybody and the parties have arrived this agreement on their own accords."

4.Recording the above said Joint Compromise Memo, this appeal is allowed in terms of the joint compromise memo and the impugned order passed by the Court below is set aside. The marriage between the appellant and the respondent solemnized on 13.09.1981 is dissolved. The joint compromise Memo shall form part of this judgment. No costs.

Sd/-

Assistant Registrar(CCC)

To,
The Judge, Family Court,
Salem.

+2cc to Dr.C.Ravichandran, Advocate Sr.No.12714 & 12715
+1cc to M/s.C.Sangamithirai, Advocate Sr.No.12680

MP(CO)
sm:29.5.2018

C.M.A.No.3553 of 2013



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