



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:15.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE C. SARAVANAN

C.M.A (MD).No.266 of 2017

Mr.C.S. Sundaresan @ Sundaresan Sundaram : Appellant /Petitioner/
Petitioner

-Vs-

M. Jeyachitra : Respondent/Respondent/Respondent

PRAYER: This Civil Miscellaneous Appeal is filed under Section 19 of Family Court Act, against the fair and executable order passed in I.A.No.475 of 2016 in HMOP.No.241 of 2013 on the file of the Family Court Judge, Madurai, dated 30.01.2017.

For appellant : Mr. I. Sam Jegan
For Respondent : Mr.R. Karunanidhi

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant / husband against the order passed in I.A.No.475 of 2016 in HMOP.No.241 of 2013, dated 30.01.2017, dismissing the application filed by him to restore the proceedings in HMOP.No.241 of 2013, on the file of the learned Judge, Family Court, Madurai.

2. Today, when the matter was taken up for hearing, the learned counsel appearing on either side would submit that the matter was earlier referred to Mediation by this Court and that the parties have signed settlement agreement.

3. From the perusal of the Settlement Agreement entered into between the parties before the Mediation it is seen that, the respondent before this Court has agreed to file a memo before this Court to the effect of endorsing her no objection to allow this appeal and she agreed to file a memo in HMOP.No.241 of 2013, on the file of the Family court, Madurai to the effect of endorsing to submit to decree and for dissolving the marriage solemnized on 05.02.2013 in between the petitioner / husband and respondent / wife.

4. The learned counsel appearing for the respondent has no objection to allow this appeal and for restoration of HMOP.No.241 of 2013, on the file of the Family Court, Madurai.



5. In view of the no objection, the order passed in I.A.No.475 of 2016 in HMOP.No.241 of 2013, on the file of the Family Court, Madurai is set aside and I.A.No.475 of 2016 stands allowed. Accordingly, this Civil Miscellaneous Appeal is allowed. No costs.

6. Now, it is open to the respondent / wife to file a memo to submit to decree in terms of the settlement arrived at between the parties. Both the parties are directed to appear before the trial Court on 26.11.2018, so that the matter need not be delayed further.

Sd/
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar(CS-III)

To

The Judge,
Family Court, Madurai.

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr. I. Sam Jegan, Advocate, SR.No.95537

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