



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 05.07.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**

AND

THE HONOURABLE MRS.JUSTICE **T.KRISHNAVALLI**

C.M.A.(MD)No.735 of 2015

S.Shanmuganathan

.. Appellant/Petitioner

Vs.

P.Subbulakshmi @ Praveena

..Respondent/Respondent

Prayer : Appeal filed under Section 19 of the Family Court Act to set aside the Judgment and decree dated 14.03.2015 in HMOP No.197 of 2014 on the file of the Family Court, Tirunelveli.

For Appellant : Mr.P.Mahendran

For Respondents : Mr.T.Selvan

JUDGMENT

[Judgment of the Court was delivered by **K.RAVICHANDRABAABU, J.**]

This Civil Miscellaneous Appeal is filed against the order passed in H.M.O.P.No.197 of 2014, dismissing the petition filed by the husband for divorce.

2.When this matter was taken up for hearing on earlier occasion, it was represented by both sides that a compromise talk is going on between the parties. Accordingly, the matter is listed today for further hearing.

3. Today, a joint compromise memo signed by both sides as well as their respective counsel dated 05.07.2018 is filed before this Court, which reads as follows:-

"1.It is respectfully submitted that the marriage between the appellant and the respondent was solemnized on 12.09.2010.

2.It is further submitted that due to differences between the appellant and respondent, the appellant has filed a petition in H.M.O.P.No.197/2014 on the file of the Family Court, Tirunelveli which was previously numbered as H.M.O.P.No.45/2013 on the file of the learned Additional Sub Court, Tirunelveli.



3.It is further submitted that the respondent herein also filed a petition in D.V.O.P.No.13/2017 on the file of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District.

4.It is pertinent to mention that out of the wedlock of the appellant and respondent there are no issues.

5.It is further submitted that the HMOP.No.197/2014 filed by the appellant before the learned Family Court, Tirunelveli was dismissed against which the appellant has filed the above Civil Miscellaneous Appeal in C.M.A (MD).No.735/2015 before this Hon'ble Court.

6.It is further respectfully submitted that after filing of the above civil miscellaneous petition i.e. CMA.No.735/2015, at the intervention of the elders and well wishers of both the parties, a compromise was arrived between the appellant and the respondent with the following terms and conditions.

a) towards payment of alimony one time settlement an amount of Rs.7.50 lakhs has been paid to the respondent by the appellant.

b)Further all the streedhana articles such as jewels and house hold articles were also returned to the respondent/wife.

c)It is further decided that there will not be any claim against each others in future.

7.Upon such compromise, the above DVOP case No.13/2017 case before the Judicial Magistrate, Cheranmahadevi has been disposed off.

8.Further submitted that after said compromise, the appellant herein has filed an affidavit incorporating all the above facts before this Hon'ble Court on 15.04.2018 and similarly the respondent/wife also having admitted the contents of the above compromise recorded in DVOP case No.13/2017 on the file of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli filed an affidavit on 19.06.2018.

9.It is further submitted after such closure of the marital relationship as stated above, there was a request from the respondent/wife with regard to search of original SSLC certificate which might have been lying at the appellant's house. But after frantic search, it has been replied to the respondent that the said certificate is not at all available in his house and on intimation before this Court by the respondent, she made a request for recording the fact of missing her SSLC certificate.

10.It is further submitted that from the above facts and compromise memo arrived, it is clear that there is



no marital relationship exists between the parties. Hence, it has been decided and agreed by both the parties to get their marriage which was held on 12.09.2010 dissolved by this Court and further it was agreed that both the parties shall withdraw the allegations made against each other. Hence the above Joint Compromise is being preferred before this Hon'ble Court. Further this memo is being filed with sound mind and health by both the parties without any coercion whatsoever.

It is therefore prayed that this Court may be pleased to record the above said joint compromise memo filed before this Hon'ble Court by the appellant and respondent herein and to dispose the above civil miscellaneous appeal in C.M.A(MD).No.735 of 2015 by setting aside the judgment and decree dated 14.03.2015 made in H.M.O.P.No.197/2014 on the file of the Family Court, Tirunelveli and dissolve the marriage held on 12.09.2010 between the appellant and respondent and grant a decree of divorce and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Madurai on this 5th day of July 2018"

4.Both the parties are also personally present before this Court today and submitted that they have entered into compromise and signed the above-said compromise memo. Therefore, the parties as well as their respective counsel seek for disposal of the above appeal in terms of the above said compromise.

5.Accordingly, the appeal is disposed of in terms of the above-said compromise and consequently, the marriage between the parties stand dissolved. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

Encl: Xerox copy of Joint compromise memo

To

1. The Judge,
Family Court, Tirunelveli.

<https://hcservices.tnjudiciary.org/cases/Magistrate,Cheranmahadevi>



Copy to

The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Mahendran ,Advocate Sr.No.71309

SKN

VB/KAK/SAR4/13.08.2018/4P/6C

**Judgment made in
C.M.A. (MD) No.735 of 2015
05.07.2018**