



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.09.2018

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS. JUSTICE T. KRISHNAVALLI
C.M.A. (MD) No. 241 of 2018

Shanmugaraja ... Appellant/ Petitioner

vs.

Durairasi Nachiyar ... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Court, against the fair and decreetal order passed by the Family Court, Sivagangai in H.M.O.P.No.13 of 2017 dated 17.08.2017.

For Appellant : Mr.S.Karthick Subramanian
For Respondent : Mr.P.Venkatasubramanian

JUDGMENT

[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]

The appellant, who is the husband of the respondent, has filed a petition in H.M.O.P.No.13 of 2017 before the Family Court, Sivagangai, for divorce. Since the relief sought for by the petitioner cannot be granted on the ground of cruelty under Section 13(1)(1-a) of Hindu Marriage Act, the Family Court, dismissed the said H.M.O.P on 17.08.2017. Against which, the present appeal has been filed before this Court.

2. Heard Mr.S.Karthick Subramanian, learned counsel appearing for the appellant and Mr.P.Venkatasubramanian, learned counsel appearing for the respondent.

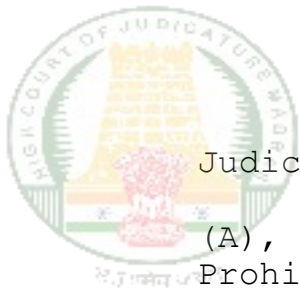
3. By order dated 20.09.2018, this Court referred the matter before the Mediation and Conciliation Centre attached to this Bench to arrive at an amicable settlement. It appears that before the Mediation Centre, the dispute has been settled between the parties and the terms of which is reduced into writing and the parties have also signed the same. Clause 6 of the terms of settlement is as follows:

"6. The following settlement has been arrived at between the parties hereto:

A). The respondent received Rs.2,00,000/- from the petitioner as one time settlement.

B). The respondent received her household articles from the petitioner on 30.06.2018.

C). The respondent accepted to withdraw the following cases against the petitioner:-



1.D.V.O.P.No.3/2016 on the file of the Judicial Magistrate No.II, Sivagangai.

2.Cr.No.16/2016, u/s.294(b), 354, 406, 498 (A), 506(i) of I.P.C., and Section 4 of Dowry Prohibition Act on the file of All Women Police Station, Sivagangai.

3.The case in M.C.No.5 of 2018 pending before the Family Court, Sivagangai, u/s.125 of Cr.P.C (Maintenance Case).

4.(*)Both parties decided to dissolve the Matrimonial life between them, now the matter amicably settled before the Mediation Centre and also decided not to file any petition before any Court against each other in future.

5.(*)Since the matter is settled amicably the respondent is having no objection to allow the CMA(MD) No.241 of 2018, pending before this Hon'ble Court.

7.By signing the agreement the parties hereto state that they have no further claims or demands against each other with respect to CMA(MD)No.241/2018 (Case No) and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of conciliation/Mediation.

(*) Clauses 4 & 5 are incorporated in the presence of both parties and their counsels on 26/09/2018, as per the order of this Hon'ble Court, dated 20.09.2018."

4.Based on the settlement between the parties before the Mediation and Conciliation Centre attached to this Bench, there will be decree of divorce in favour of the appellant dissolving the marriage, dated 15.11.2015.

5.In the result, this Civil Miscellaneous Appeal is allowed granting decree of divorce in favour of the appellant in terms of the Mediation Report. The Mediation Report shall form part of the decree. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Judge, Family Court, Sivagangai.

+ 1 CC TO Mr.S.KARTHICK SUBRAMANIAN , ADVOCATE IN SR No.87599.

NS

<https://hcservices.ecourts.gov.in/hcservices/>

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C.M.A. (MD) .No.241 of 2018
28.09.2018