

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN  
and  
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.Nos.1589 & 1590 of 2019

C.M.A.No.1589/2019

Dilip Diascore ... Appellant/Respondent

-Vs-

Mary Marcelin ... Respondent/Petitioner

PRAYER : Appeal under order 43, Rule V of CPC against the fair and decretal order dated 30.11.2018 passed in D.V.O.P.No.75 of 2014 on the file of the District Court-II, Kanchipuram.

For Appellant : Mr.K.Govi Ganesan

For Respondent : Ms.S.Radha Devi

C.M.A.No.1590/2019

Dilip Diascore ...Appellant/ Petitioner

-Vs-

1.Mary Marcelin

2.The Commissioner

Registrar of Marriage  
Karaikal Municipality  
Karaikal.

... Respondents/Respondents

PRAYER : Appeal under order 43, Rule 1 of Civil Procedure Code against the fair and decretal order dated 30.11.2018 passed in D.V.O.P.No.91 of 2015 on the file of the District Court-II, Kanchipuram.

For Appellant : Mr.K.Govi Ganesan

For Respondent : Ms.S.Radha Devi for R1

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

These appeals have been preferred by the appellant/Husband against the common order dated 30.11.2018 wherein D.V.O.P.No.75 of 2014, filed by the respondent/wife for restitution of conjugal rights came to be allowed and D.V.O.P.No.91 of 2015 filed by the appellant/husband for divorce came to be dismissed.

2.The facts of the case is that the appellant and the respondent got married on 23.05.2012, however due to difference of opinion, they started living separately. Thereafter, the respondent/wife filed petition in D.V.O.P.No.75 of 2014 on the file of the District Court No.II, Kanchipuram seeking for restitution of conjugal rights. While so, the appellant/husband filed petition in D.V.O.P.No.91 of 2015 on the file of the District Court No.II, Kanchipuram seeking divorce. The Trial Court by fair and decreetal orders dated 30.11.2018 dismissed the D.V.O.P.No.91 of 2015 and allowed the D.V.O.P.No.75 of 2014. Against the said common order dated 30.11.2018, the present appeals have been preferred.

3.When the matter is called today, both the parties are present before this Court and they categorically stated that they had decided to snap their matrimonial ties and in this regard, they have also filed a joint memo of compromise dated 28.08.2019 signed by both the parties and counter signed by both the counsel.

4.A perusal of the joint memo of compromise would reveal that the parties had agreed for divorce by mutual consent withdrawing all the allegations made against each other and a sum of Rs.12,50,000/- has been paid by the appellant/husband to the respondent/wife through various demand drafts and the same has also been acknowledged by the respondent.

5.In view of the joint memo of compromise and also the categorical statement made by both the parties, this Court is inclined to set aside the fair and decreetal order passed by the Trial Court dated 30.11.2018 made in D.V.O.P.No.75 of 2014 and D.V.O.P.No.91 of 2015 and by moulding the prayer, this Court dissolves the marriage solemnized between the appellant and the respondent on 23.05.2012 by mutual consent. The joint memo of compromise dated 28.08.2019 shall form part of the order.

6.In the result, the Civil Miscellaneous Appeals are disposed of in the above terms. Consequently, connected miscellaneous petition is closed. No costs.

\*Cop of the Memo of Compromise enclosed

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

pgp

To

The District Judge No.II, Kanchipuram

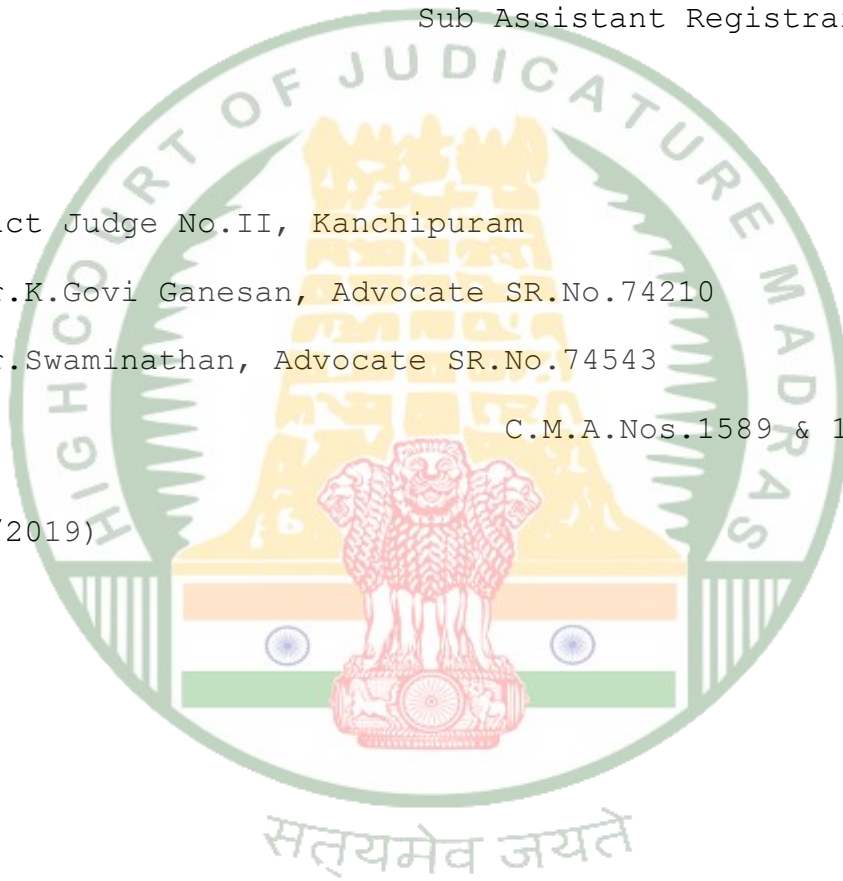
+2cc to Mr.K.Govi Ganesan, Advocate SR.No.74210

+5cc to Mr.Swaminathan, Advocate SR.No.74543

C.M.A.Nos.1589 & 1590 of 2019

TM(CO)

GMV(10/10/2019)



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