

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.S.A. No.36 of 2001

K.N.Ravichandran

... Appellant/Petitioner

-vs-

K.Annapoorani

... Respondent/Respondent

Prayer: Civil Miscellaneous Second Appeal filed under Section 28 (1) of the Hindu Marriage Act r/w.100 of C.P.C. against the judgment and decree dated 22.02.2001 made in C.M.A. No.58 of 2000 on the file of the II Additional District Court, Erode reversing the judgment and decree dated 12.11.1999 made in H.M.O.P. No.103 of 1999 on the file of the Principal Subordinate Judge, Erode.

For Appellant : Mr.Kaithamalai Kumaran

For Respondent : Mr.K.S.Jayaganeshan

JUDGMENT

The C.M.S.A. has been filed challenging the judgment and decree dated 22.02.2001 made in C.M.A. No.58 of 2000 on the file of the II Additional District Court, Erode reversing the judgment and decree dated 12.11.1999 made in H.M.O.P. No.103 of 1999 on the file of the Principal Subordinate Judge, Erode.

2.Learned counsel appearing for the appellant would submit that the appellant filed the H.M.O.P. No.103 of 1999 before the Principal Sub Court, Erode for dissolution of marriage on the ground of adultery invoking Section 13-I (i) (ia) (ib) of the Hindu Marriage Act and amended Act of 1976. The Trial Court, accepting the allegation of adultery, granted divorce, allowing the petition filed by the appellant. Aggrieved thereby, the wife filed C.M.A. No.58 of 2000 before the learned II Additional District Judge, Erode. After hearing the parties, finding no sufficient ground to grant divorce on the ground of adultery, reversed the judgment and decree passed by the Trial Court. As against the same, the present appeal has been filed by the husband appellant.

3.A memo dated 22.08.2019, signed by both the parties and the respective counsels has been filed by the appellant stating that as directed by this Court, the appellant has come forward to pay a lump sum amount of Rs.5,00,000/-, namely, Rs.2,50,000/- to the wife and Rs.2,50,000/- to the daughter by way of two demand drafts, which has been received by the learned counsel appearing for the respondent.

4.Accordingly, the appeal stands disposed of in terms of the Memo dated 22.08.2019, which shall form part of the order. No costs.

5.Learned counsel appearing for the appellant would submit that since the respondent and her daughter are residing in the house belonging to the appellant, they may be directed to hand over the same. But it was refused by the learned counsel appearing for the respondent on the ground that the wife and daughter are living in a small place without causing any hindrance. Since the daughter is unmarried, it will be difficult to find better place.

6.Therefore, liberty is given to the appellant to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga
To

1.The II Additional District Judge,
Erode.

2.The Principal Subordinate Judge,
Erode.

+1cc to Mr.K.S.Jeyaganeshan, Advocate SR.72545

+1cc to Mr.S.Kaithamalai Kumaran, Advocate SR.72474

C.M.S.A. No.36 of 2001

VD(CO)
CB(11/02/2020)