

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM :

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

C.M.A.Nos.2526 of 2015 & 2374 of 2012
and
M.P.Nos.1 of 2015 & 1 of 2012

C.M.A.No.2526 of 2015
G.Senthil gundan Appellant/Petitioner

Vs

SangeethaRespondent /Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act against the Judgment and Decree dated 29.04.2015 made in H.M.O.P.No.422 of 2013 passed by the Principal Family Judge, Coimbatore.

For Appellant : Mrs.G.Thilagavathy, Senior Counsel
for M/s.Royan Law Asso.

For Respondent : Mr.R.Selvakumar

C.M.A.No.2374 of 2012

Sangeetha Appellant/Respondent

Vs

G.SenthilRespondent /Petitioner

PRAYER : Civil Miscellaneous Appeal filed under Section 47 of the Guardians and Wards Act, 1890 against the Judgment and Decree dated 22.06.2012 made in G.W.O.P.No.581 of 2010 passed by Family Court, Coimbatore in allowing the petition filed by the respondent under Section 7 to 10 of Guardians and Wards Act, 1890.

For Appellant : Mr.R.Selvakumar

For Respondent : Mrs.G.Thilagavathy, Senior Counsel
for M/s.Royan Law Asso.

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

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

The appeal in C.M.A.No.2374 of 2012 has been filed against the order of declaration given by the Trial Court holding that the respondent is the guardian of the minor Neerav, son of both the appellant and the respondent born out of the wedlock between them solemnized on 06.04.2003.

2.The appellant got married to the respondent on 06.04.2003 and out of the wedlock, the said son Neerav was born. Thereafter, disputes arose between the parties and they have been living separately for almost twelve years. Since the minor continues to be under the custody of the appellant, the respondent/father has approached the Trial Court seeking declaration that he will be the guardian of the minor child which on contest was allowed against which this appeal has been filed.

3.Another appeal in C.M.A.No.2526 of 2015 has been filed against the decree of dismissal of the petition filed by the husband for divorce against the wife on the ground of cruelty and desertion. On filing of the said petition, the Trial Court, on contest, dismissed the divorce petition against which this appeal has been filed. Hence, both the matters are clubbed together and called before this Court.

4.At the intervention of this Court as well as at the active instance of both the Counsel, parties entered into a compromise by which both the parties decided to snap ties between them and the husband agreed to the custody of the child to be with the wife permanently reserving the right of visitation fortnightly on payment of Rs.25,000/- every month for maintenance of the minor child till he attains majority.

5.Both the parties are present before this Court. They categorically stated not to have connection with each other and agreed for granting of divorce by consent under Section 13 (b) of the Hindu Marriage Act. A Joint Memorandum of Compromise signed by both the parties counter signed by both the Counsel dated 21.08.2019 has been filed giving the details of the compromise.

6.In view of the above, the marriage dated 06.04.2003 is dissolved by consent under Section 13 (b) of the Hindu Marriage Act and the appeal in C.M.A.No.2526 of 2015 is allowed granting decree of divorce by setting aside the order of the Trial Court.

7.Since both the parties agreed that the custody of the child shall be with the wife Sangeetha, the appeal filed in C.M.A.No.2374 of 2012 by the wife is also allowed. The Joint Memorandum of compromise shall form part of the decree and Judgment. No costs. Consequently, connected miscellaneous petitions are closed.

*The Xerox Copy of Joint Memo
of Compromise enclosed

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

The Principal Judge,
Family Court,
Coimbatore.

Copy to

The Section Officer,
VR Section, High Court,
Madras.

+2cc to M/ms.Royan Law Associates, Advocate Sr.71702 and 71703

C.M.A.Nos.2526 of 2015 & 2374 of 2012
and
M.P.Nos.1 of 2015 & 1 of 2012

cp[co]
srg 16/07/2020