

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2019

Coram

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A.Nos.1567 and 1568 of 2016
and
C.M.P.Nos.11819 and 11820 of 2016

Manoj David @ Mariaraj .. Appellant in
both C.M.As

vs.

Judy Manoj @ Judia Michael Mary
Gilberta .. Respondent in
both C.M.As

Appeals filed under Section 19(1) of the Family Courts Act, 1984 against the common order dated 26.02.2015 passed by the I Additional Family Court, Chennai in O.P.No.2703 of 2007 and O.P.No.845 of 2012.

For Appellant : Ms.C.Shymala in both C.M.As

For Respondent : Ms.R.Gouri in both C.M.As

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

When the matter is taken up for hearing, learned counsel appearing for the appellant would submit that the appeals may be permitted to be withdrawn pursuant to the understanding arrived between them at the time of allowing the Criminal Appeal in CrI.A.No.184 of 2013, which was done based upon the affidavit filed by the appellant.

2.In such view of the matter, we are inclined to allow the appeal in C.M.A.No.1567 of 2016, by setting aside the judgment and decree passed in O.P.No.2703 of 2007 dated 26.02.2015.

Considering the constraint that is being imposed by the statute and in the light of the submissions made followed by notice, we make it clear that the decree for divorce is only by consent and therefore, the question of cruelty has not been gone into.

3. Accordingly, C.M.A.No.1567 of 2016 stands allowed by setting aside the judgment and decree passed in O.P.No.2703 of 2007 dated 26.02.2015 and there shall be a decree for divorce by consent. Consequently, the judgment and decree passed in O.P.No.845 of 2012 dated 26.02.2015 are set aside and the appeal in C.M.A.No.1568 of 2016 also stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

4. We also record the submission made by the learned counsel for the appellant that an affidavit has been filed by the appellant today to the effect that he will not interfere in the life of the respondent in future. A further submission has been made that the appellant will not interfere in the upbringing of the children and the same also stands recorded.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi

To

The I Additional Family Court, Chennai.

Copy To: The Section Officer,
V.R.Section, High Court, Madras.

C.M.A.Nos.1567 and 1568 of 2016

RJI(CO)
CSL/17.06.2019

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