

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2019

CORAM :

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

C.M.A.No.1778 of 2019

S.Suresh
S/o.K.Sagadevan
3/50, Mekkanampatti, Modhur P.O.
Palacode Taluk
Dharmapuri District - 635 205.
... Appellant/Petitioner

-Vs-

M.Deepa
D/o.M.Murugesan
3/113, Mekkanampatti, Madhur P.O.
Palacode Taluk
Dharmapuri District - 635 205.
... Respondent/Respondent

PRAYER : Appeal filed under Section 19 of CPC against the order and decree dated 11.12.2018 in H.M.O.P.No.174 of 2016 on the file of the learned Judge, Family Court, Dharmapuri.

For Appellant : Mr.V.Kannadasan

For Respondent : Mr.P.Mani

J U D G M E N T

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

The present appeal has been preferred by the appellant/Husband against the order dated 11.12.2018 made in H.M.O.P.No.174 of 2016 filed under Section 13(1)(i-a) of the Hindu Marriage Act.

2. The facts of the case is that the appellant and the respondent got married on 09.02.2014, however due to difference of opinion, they are living separately from the year 2015

onwards. Therefore, the appellant/husband filed petition under Section 13(1)(i-a) of the Hindu Marriage Act in HMOP.No.174/2016 on the file of the Family Court, Dharmapuri seeking divorce and subsequently, the respondent/wife filed M.C.No.56/2017 on the file of the very same Court and the same was partly allowed. Thereafter, in the revision filed by the husband in Crl.R.C.No.796/2018, the order was modified. While so, after contest, HMOP.No.174/2016 filed by the appellant/husband seeking divorce came to be dismissed against which the present appeal has been preferred.

3.When the matter is called today, both the appellant as well as the respondent are present before this Court and they categorically stated that they had decided to come out of the wedlock as the marriage is irretrievably broken down. In this regard, they have also filed a joint memo of compromise dated 26.06.2019 signed by both the parties and counter signed by the learned counsel appearing on either sides and also three other witnesses, wherein the appellant/husband had agreed to pay a sum of Rs.6,00,000/- on or before 27.06.2019 and they had also mutually agreed to exchange all their belongings. In fact, the amount was also paid and it was confirmed by the respondent who is present before the Court.

4.In view of the aforesaid categorical submission made by both the parties and the joint memo of compromise dated 26.06.2019, this Court is inclined to set aside the judgment and decree dated 11.12.2018 made in HMOP.No.174/2016 and the order of maintenance amount as granted in M.C.No.56/2017 and modified in Crl.R.C.No.796/2018 is also set aside and accordingly, by moulding the prayer this Court dissolves the marriage solemnized between the appellant and the respondent on 09.02.2014 by mutual consent. The joint memo of compromise dated 26.06.2019 shall form part of the order.

5.In the result, the Civil Miscellaneous Appeal is disposed of in the above terms. No costs.

* Copy of the Memo of Compromise

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Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

pgp

To

The Judge,
Family Court,
Dharmapuri

+1cc to Mr.P.Mani, Advocate SR.No.55595

C.M.A.No.1778 of 2019

KS (CO)
GMY (23/10/2019)



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