

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No. 2178 of 2018

SakthiMangai @ Raja Rajeswari ... Appellant/Respondent

Vs.

S.Sankaranarayanan ... Respondent/Petitioner

(Cause title Accepted vide
court dated 02/04/2018
made in CMP.No.6359/18 in
CMASR.No.65917/17(RPSJ & PDAJ)

PRAYER : Appeal filed under Section 19 of Family Courts Act,
1984 against the judgment and decree made in M.O.P.No.172 of
2013 dated 27.06.2017 on the file of Family Judge, Puducherry.

For Appellant : Mr.R.Karthikeyan

For Respondent : Mr.V.Bhiman
for Mr.A.Balasinghramanujam

JUDGMENT

(Delivered by M.M.SUNDRESH.,J)

This appeal is preferred against the judgment and decree
dated 27.6.2017 in M.O.P.No.172 of 2013, which has been filed on
the ground of cruelty.

2. The appellant before us is the wife of the respondent.
The respondent filed the aforesaid petition seeking divorce. The
Family Court, Puducherry, passed orders on merit on the petition
filed by the husband. Thereafter, the appellant filed an appeal
with condonation of delay. In the meanwhile, after the expiry of
the statutory period, the respondent got re-married. There are

also proceedings pending before the parties at Singapore.

3. When the matter came up for hearing, the appellant was present. Upon discussion between the Court, counsel and the appellant, she agreed that decree can be granted by consent, provided the reasoning, finding and the observation given by the Family Court, Puducherry are removed. She made one more request to the effect that the photographs pertaining to her shall not be displayed by the respondent or anyone at his instance, which have been marked as Exs.P20 and P21, before the Family Court, Puducherry.

4. The learned counsel for the respondent would fairly submit that an undertaking affidavit of the respondent has been filed which was sent through mail, wherein the following statement has been made:-

"2. I further submit that the alleged photography of my wife and her family members which I have taken not displayed anywhere excepting only in the Sub Court Pondicherry where the same was marked as a documents on my side at the time of trial and the same was subsequently destroyed by me when she lodged a complaint regarding this before the Singapore Police and I also made by statement before the police here in Singapore during the enquiry in the year 2018 itself.

3. I will undertake and assure that I will not defame her by showing the photography to anybody in the future as well."

5. The learned counsel for the appellant, who is present, also agreed for the aforesaid averments and accordingly, consented for decree as mentioned earlier.

6. In view of the above, while confirming the decree passed by the Family Court, Puducherry, the findings rendered against the appellant stand eschewed. The undertaking affidavit filed by the respondent in Paragraphs 2 and 3 stands recorded.

7. The other averments made in Paragraphs 4 and 5 are not taken note of in view of the pending proceedings and, therefore, they are not relevant for the purpose of disposal of this appeal as the matter has been seized of by the competent Court at Singapore.

8. Accordingly, the Civil Miscellaneous Appeal stands disposed of by confirming the decree of divorce granted by Family Court, Puducherry and the findings against the appellant are expunged. The Registrar General is directed to keep Exs.P.20 and P.21 in the safe custody as that might damage the reputation of the appellant. No costs. Consequently, connected C.M.P.No.17000 of 2018 is closed.

19.12.2019

This Petition having been posted on this day "For Being Mentioned" in pursuance to the order of this court dated 19/12/2019 and made herein the presence of the abovesaid Advocate this court made the following order:

When the matter is listed today "for Being Mentioned" at the instance of the Registry on having expressed some difficulty, it is informed that records from the trial Court have not reached this Court.

2. In that view of the matter, the order passed by us on 19.12.2019 directing the Registry to keep Exs.P-20 and P-21 in the safe custody is modified to the effect that the trial Court, namely, Family Court, Puducherry, is directed to keep the aforesaid documents in its custody.

3. Learned counsel appearing for the parties have no objection for the same.

4. Registry is directed to issue the modified copy of the order to the parties and also the Court below.

***Here enclose xerox copy of
Affidavit of Undertaking)**

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssm

To

1.The Judge, Family Court,
Puducherry.

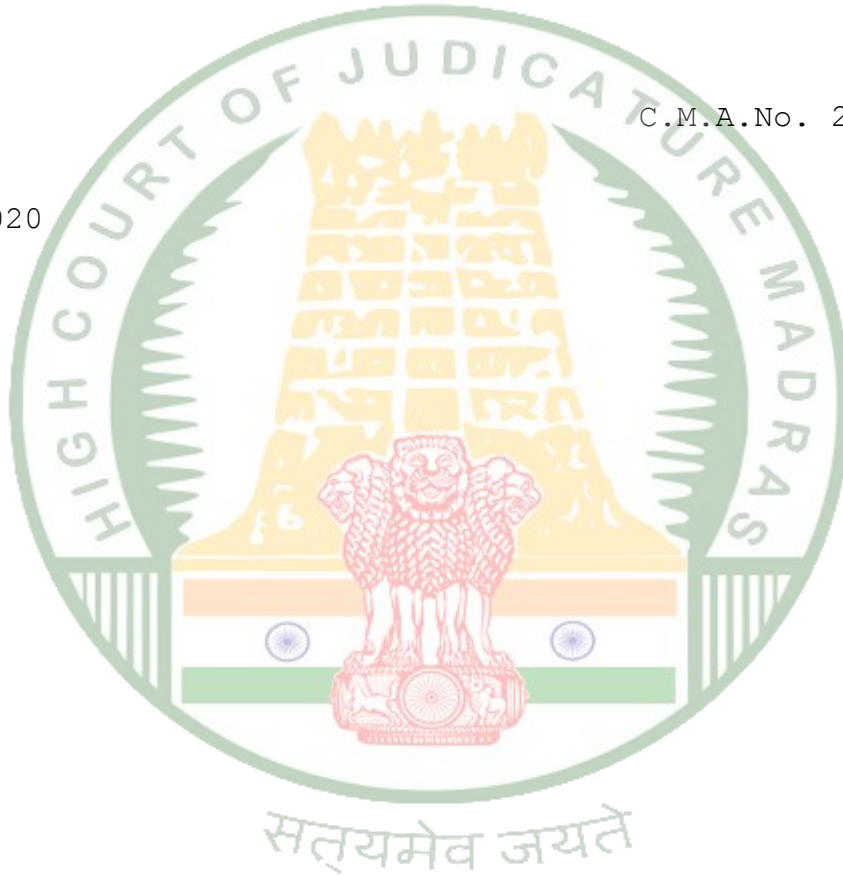
2.The Registrar General
High Court of Madras
Madras-104

Copy to
The Section Officer
VR Section
High Court Madras-104

+1 cc to Mr.A.Balasingh Ramanujam Advocate sr105598
+1 cc to Mr.R.Karthikeyan Advocate sr105590

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