

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.01.2019
CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
C.M.A.No.510 of 2018

V.S.Ramesh Kumar, 31 years,
S/o.S.Saravanan,
New No.101, Bajanaï Koil Street,
Vasur, Venkatapuram, Vellore - 9. ... Appellant

Vs

S.Nirosha, 27 years,
W/o.V.S.Ramesh Kumar,
No.1/132, Bajanaï Koil Street,
Vasur, Venkatapuram, Vellore - 9. ... Respondent

PRAYER : Appeal filed Under Section 19 of family Court Act R/W order 41 of CPC against the Judgment and Decree dated 23.05.2017 made in F.C.O.P.No.196 of 2015 on the file of Family Court Judge, Vellore, Vellore District.

For Appellant : Mr.M.Sriram

For Respondent : Mr.S.Kosalaraman

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)
The husband is before this Court by way of present appeal, against the dismissal of the petition, dissolving the marriage solemnized between the appellant and the respondent on 29.11.2006, under Section 13(1) (i-a) (i-b) of Hindu Marriage Act 1955.

2.The appellant and the respondent got married on 29.11.2006 and out of the wedlock, a male child was born on 07.07.2008. Thereafter, dispute arose between the parties and from the year 2014 onwards, they have been living separately. Thereafter, divorce petition has been filed by the appellant. On contest, the divorce petition was dismissed against which the present appeal has been filed.

3.When the matter was called before this Court on 04.01.2019, both the parties were present and they stated that the matter has been settled between them before the Mediation Centre on 30.11.2018, by filing a joint memo of compromise. They also submitted that they have decided to dissolve the marriage and it was decided to keep the child in the custody of the respondent/wife, on payment of Rs.3,00,000/- (Rupees three lakhs only) to the respondent and Rs.2,00,000/- (Rupees two lakhs only) to the child.

4.Taking into consideration the cost of living, this Court suggested the appellant to pay a sum of Rs.1,500/- per month towards maintenance to the child, till he attains majority, which was readily agreed by the appellant.

5.In this regard, an affidavit has been filed before this Court by the appellant today, agreeing to pay a sum of Rs.1,500/- per month, to the child till he attains majority.

6.Since the parties are living separately from the year 2014 onwards and they have decided to get separated once for all, as evident from the statements made by them before this Court as well as joint memo of compromise signed by both the parties and counter signed by both the counsels, there is no purpose in keeping the matter pending. In view of that there shall be a decree of divorce by consent under Section 13-B(1) of Hindu Marriage Act, 1955, dissolving the marriage dated 29.11.2006 between the appellant and the respondent.

7.The custody of the child is with the respondent/wife only and the appellant has to pay a sum of Rs.1,500/- (Rupees Thousand Five Hundred only) per month to the child, till he attains majority. The joint memo of compromise filed by both the parties as well as the undertaking affidavit filed by the appellant shall form part of the decree.

With the above observation, the appeal is allowed. No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sai

To
The Judge,
Family Court,
Vellore,
Vellore District.

+3ccs to Mr.M.Sriram , Advocate SR.No. 1255

C.M.A.No.510 of 2018

ask (07/01/2019)