

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM :

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

C.M.A.Nos.87 and 115 of 2018
and

C.M.P.No.1215 of 2018

C.M.A.No.87 of 2018

N.Nigesh
S/o.Narayanan
No.1123, 2nd Main Road,
Poombukar Nagar,
Kolathur, Chennai - 600 099.

... Appellant/Respondent/Petitioner

-Vs-

K.Sandya
D/o.E.Gopalan
Sandya Nivas, Edat Post Office,
Payyanur,
Kannur District,
Kerala - 670327

... Respondent/Petitioner/Respondent

PRAYER :- Appeal against the order and decree dated
23.11.2017 in I.A.No.1789 of 2017 in O.P.No.1514 of 2017 on the
file of the VI Additional Family Court, Chennai.

For Appellant : Mr.G.Ravikumar

For Respondent : Mr.K.S.Kumar

C.M.A.No.115 of 2018

N.Nigesh
S/o.Narayanan
No.1123, 2nd Main Road,
Poombukar Nagar,
Kolathur, Chennai - 600 099.

... Appellant/Petitioner/Husband

-Vs-

K.Sandya
D/o.E.Gopalan
Sandya Nivas, Edat Post Office,
Payyanur,
Kannur District,
Kerala - 670327

... Respondent/Respondent/wife

PRAYER :- Appeal against the order and decree dated 07.12.2017 in O.P.No.1514 of 2017 on the file of the VI Additional Principal Judge, Family Court, Chennai.

For Appellant : Mr.G.Ravikumar

For Respondent : Mr.K.S.Kumar

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

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

These two appeals have been preferred by the appellant/Husband against the order dated 23.11.2017 made in I.A.No.1789 of 2017 in O.P.No.1514 of 2017 filed under Section 24 of the Hindu Marriage Act and order dated 07.12.2017 made in O.P.No.1514 of 2017 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 20.02.2016, however due to difference of opinion, they are living separately for the past few years. Therefore, the appellant/husband filed petition under Section 13 (1)(i-a) of the Hindu Marriage Act in O.P.No.1514 of 2017 for divorce and subsequently, the respondent/wife filed I.A.No.1789 of 2017 under Section 24 of the Hindu Marriage Act seeking interim maintenance. Though the Trial Court ordered interim maintenance, the appellant/husband failed to pay the maintenance amount which eventually lead to the dismissal of O.P.No.1514 of 2017. Pursuant to the same, the present appeals have been preferred by the appellant against the orders dated 23.11.2017 and 07.12.2017 passed by the Trial Court.

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 02.07.2019 signed by both the parties and counter signed by the learned counsel appearing on either sides, wherein the

appellant/husband had agreed to pay a sum of Rs.4,50,000/- on or before 30.07.2019 and they had also mutually agreed to exchange all their belongings.

4.In view of the aforesaid categorical submission made by both the parties and the joint memo of compromise dated 02.07.2019, this Court is inclined to set aside the order and decree dated 23.11.2017 made in I.A.No.1789 of 2017 and the order and decree dated 07.12.2017 made in O.P.No.1514 of 2017 and accordingly, by moulding the prayer this Court dissolves the marriage solemnized between the appellant and the respondent on 20.02.2016 by mutual consent. The joint memo of compromise dated 02.07.2019 shall form part of the order.

5.In the result, both the Civil Miscellaneous Petitions are disposed of in the above terms. Consequently, connected miscellaneous petition is closed. No costs.

6.For reporting compliance, call the matter on 01.08.2019.
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**Copy of Memo of Compromise enclosed*

Sd/-

Assistant Registrar(C.O)

//True Copy//

Sub Assistant Registrar

To
The VI Additional Principal Judge,
VI Addl. Family Court,
Chennai.

Copy to:-

The Section Officer,
Judicial Section,
High Court,
Madras - 104. (Post the Matter on 01.08.19)
for reporting compliance

+1cc to Mr.G.Ravi Kumar, Advocate, SR.No.55356

+2cc to Mr.K.S.Kumar, Advocate, SR.No.55048

C.M.A.Nos.87 and 115 of 2018

Kak(25/07/2019)