

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2633 of 2019

and

C.M.P.No.12815 of 2019

Karthik
S/o.S.Narayanasamy
No.A2 - 502, Jade Building
Gulmohar Orchids
Kharadi, Pune - 41014.

... Appellant/Respondent/Respondent

-Vs-

Dhivya
D/o.Partha Saaradee
Plot No.11-C, 4th Cross
Brindavanam
Puducherry - 13.

... Respondent/Petitioner/Respondent

PRAYER : Appeal against the fair and decreetal order dated 10.04.2019 in I.A.No.714 of 2018 in M.O.P.No.95 of 2018 on the file of the learned Judge, Family Court, Pondicherry.

For Appellant : Dr.P.S.Vijayakumar

For Respondent : M/s.G.Santhi Meenakshi

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 10.04.2019 made in I.A.No.714 of 2018 in M.O.P.No.95 of 2018 filed under Section 24 and 25 of the Hindu Marriage Act r/w Sec 151 of CPC.

2. The facts of the case is that the appellant and the respondent got married on 24.11.2017, however due to difference of opinion, they started living separately. Thereafter, the respondent/wife filed petition in M.O.P.No.95/2018 on the file of the Family Court, Puducherry seeking for annulment of marriage and the same is pending. In the meanwhile, the respondent/wife also filed an application in I.A.No.714 of 2018 in M.O.P.No.95 of 2018 filed under Section 24 and 25 of the Hindu Marriage Act r/w Sec 151 of CPC seeking maintenance and the said application was allowed granting a monthly maintenance of Rs.25,000/- per month, against which the present appeal has been preferred.

3. Taking into consideration the young age of the parties, this Court requested the learned counsel appearing on either side to counsel the parties so that a comprehensive settlement could be arrived at.

4. When the matter is called today, both the parties are present before this Court. With the guidance of the learned counsel appearing on either side and the elders from both the families, both the parties agreed to get separated by mutual consent by withdrawing the allegations against each other made in the original proceedings.

5. In this regard, they have also filed a joint memo of compromise dated 20.08.2019 signed by both the parties and counter signed by both the counsel, wherein the appellant/husband had agreed to pay a sum of Rs.4,00,000/- [Rupees Four Lakhs Only] to the respondent. It is also submitted that the said amount had been paid to the respondent vide Standard Chartered Demand Draft No.008096 dated 17.08.2019 drawn in favour of the respondent as full and final settlement.

6. In view of the joint memo of compromise and also the categorical statement made by both the parties, this Court is of the view that there is no point in keeping the matter pending and therefore, this Court invoking Article 227 of the Constitution of India and Section 151 CPC suo motu withdraws the case in M.O.P.No.95/2018 pending on the file of the Family Court, Puducherry and by moulding the prayer, this Court dissolves the marriage solemnized between the appellant and the respondent on 24.11.2017 by mutual consent. The joint memo of compromise dated 20.08.2019 shall form part of the order.

7.In the result, the Civil Miscellaneous Appeal is disposed of in the above terms. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pgp

To

The Judge,
Family Court,
Puducherry

+4cc to M/s.G.Santhi Meenakshi, Advocate sr.71081
+6cc to M/s.E.Maragatha Sundari, Advocate sr.71306

C.M.A.No.2633 of 2019

nr 30/10/2019