

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM :

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

C.M.A.No.2878 of 2014
and
M.P.No.1 of 2014 &
C.M.P.No.4492 of 2016

M.Julius Thuyamani Appellant/Respondent

Vs

1.Mrs.M.Vasanthi

2.Minor J.Divya Devadharshini
(rep.by her mother & natural
guardian Mrs.M.Vasanthi) ..Respondent/Petitioner

PRAYER :

Civil Miscellaneous Appeal filed under Section 55 of Indian Divorce Act against the order in I.A.No.253 of 2013 in I.D.O.P.No.2023 of 2012, order dated 11.03.2014, allowing the maintenance petition, on the file of the 1st Additional Family Court, Chennai.

For Appellant : Mr.B.Singaravelu

For Respondents : Mr.K.Rajeseakaran

J U D G M E N T

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

The appeal has been filed against the interim maintenance awarded in favour of the respondents in the main divorce petition filed by the 1st respondent.

2.The marriage between the appellant and the 1st respondent was solemnized on 08.09.2005 and a female child was born out of the wedlock. Due to misunderstandings, they started living separately and finally, the 1st respondent filed a divorce

petition before the 1st Additional Family Court, Chennai in O.P.No.2023 of 2012. In the aforesaid Original Petition, an application for maintenance has been filed by the respondents and a sum of Rs.20,000/- per month towards interim maintenance and a sum of Rs.20,000/- towards litigation expenses was directed to be paid by the appellant to the respondents. The said order is being challenged before this Court.

3. When the matter is called today, both the parties appeared before this Court and categorically stated that they have decided to part ways on payment of a sum of Rs.6,00,000/- as full and final settlement by the appellant to the respondents within a period of eight weeks from the date of receipt of the copy of this order.

4. A Memorandum of compromise dated 21.08.2019, signed by both the parties, counter signed by both the Counsel has been filed giving the details of the settlement and stated that both the parties shall be granted a decree of divorce under Section 13 (b) of the Hindu Marriage Act by consent.

5. In view of the above, this Court suo motu withdraws O.P.No.2023 of 2012 on the file of the 1st Additional Family Court, Chennai under Article 227 of the Constitution of India and under Section 151 of the Civil Procedure Code and grants divorce by consent, by moulding the prayer, annulling the marriage dated 08.09.2005 registered under Special Marriage Act, 1954 on the file of Sub Registrar Office, Mylapore on payment of Rs.6,00,000/- within a period of eight weeks from the date of receipt of the copy of this order. It is made clear that the decree of divorce granted by this Court would take effect only on payment of Rs.6,00,000/- within a period of eight weeks from the date of receipt of the copy of the order failing which, the order passed by this Court shall be automatically reopened.

6. With the above observations, this appeal is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

7. Post the matter for reporting compliance on 16.10.2019.

* Xerox copy of Memo of Compromise enclosed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

The 1st Additional Family Court,
Chennai.

+1cc to Mr.A.Swaminathan, Advocate in sr.no.72287

C.M.A.No.2878 of 2014
and
M.P.No.1 of 2014 &
C.M.P.No.4492 of 2016

VD (CO)
CS/01/10/2019



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