

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2019

CORAM :

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

C.M.A.Nos.2574 & 2575 of 2018

KavithaAppellant in both cases
Vs

ArivuselvanRespondent in both
cases

COMMON PRAYER : Civil Miscellaneous Appeals filed under Section 19 of the Family Courts Act against the Judgment and decrees dated 10.03.2016 made in F.C.O.P.Nos.142 & 150 of 2014 on the file of the Family Court, Dharmapuri.

For Appellant : Mr.R.Prabakar

For Respondent : Mr.Ilayaperumal

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

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

The appeals have been preferred by the wife challenging the orders passed in allowing the petitions filed by the respondent for restitution of conjugal rights and also against the dismissal of the divorce petition filed by the appellant.

2.The appellant and the respondent got married on 05.03.2012 and after marriage, disputes arose between the parties and they have been living separately from 2013 onwards. Therefore, the respondent filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and the appellant filed a petition for divorce on the ground of cruelty. The trial Court allowed the petition filed by the respondent and dismissed the divorce petition filed by the appellant. Therefore, challenging the said orders, the appellant is before this Court.

3.When the matters are called today, both the appellant as well as the respondent are present. They categorically would submit that matter has been settled and by consent, they have

agreed for dissolving the marriage dated 05.03.2012.

4. Moreover, the matter was referred to Mediation and a Memorandum of Compromise dated 22.02.2019 was entered between the parties, signed by them and counter signed by their respective counsel and a sum of Rs.3,00,000/- has been paid by the appellant, the receipt of which has been admitted by the respondent before this Court.

5. In view of the Memorandum of Compromise and categorical declaration made by the parties before this Court and taking note of the fact that the parties have been living separately from 2013 onwards, this Court dissolves the marriage solemnized on 05.03.2012 between the parties by their consent. The Memorandum of compromise shall form part of the Judgment and decree.

6. In the result, the Judgment of the trial Court is set aside and the appeals are disposed of in terms of Memorandum of compromise. No costs.

(* Xerox Copies Enclosed along with Memorandum of Compromise)

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

ay
To

The Judge
Family Court,
Dharmapuri.

Copy to
The Section officer
VR Section
High Court, Madras 104.

+2 Ccs to Mr.R.Prabakar, Advocate sr 58282, 58283.
+2 Ccs to Mr.Ilayaperumal, Advocate sr 57965.

C.M.A.Nos.2574 & 2575 of 2018

MG (CO)
SP(17/10/2019)