



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.102 of 2018

A.Arokia Sudakar

... Appellant/Petitioner

vs.

Arokia Mable

... Respondent/Respondent

PRAYER: Appeal filed under Section 55 of Indian Divorce Act, against the fair and decreetal order dated 25.10.2017 in D.O.P.No.37 of 2016 on the file of the IV Additional District Judge, Tirunelveli.

For Appellant : Mr.K.A.Ramakrishnan
For Respondent : Mr.S.Palani Velayutham

JUDGMENT

The present appeal has been filed against the fair and decreetal order dated 25.10.2017 in D.O.P.No.37 of 2016 on the file of the IV Additional District Judge, Tirunelveli.

2.The marriage between the appellant and the respondent was solemnized on 18.05.2007 at St.Benedict Church, Pathinathapuram, Radhapuram Taluk as per Christian rites and custom. Due to matrimonial dispute between the appellant/husband and the respondent/wife, the appellant filed a petition in D.O.P.No.37 of 2016 for dissolving the marriage solemnized between themselves and the same was dismissed on 25.10.2017 by the learned IV Additional District Judge, Tirunelveli, against which, the appellant/husband filed the present appeal.

3.Today, a joint compromise memo dated 13.08.2019 has been filed by the parties, by which, they came to an amicable settlement as follows:-

"1.It is submitted that the marriage between the petitioner and the respondent was solemnized on 18.05.2007 at St.Benedict Church, Pathinathapuram, Radhapuram Taluk as per Christian rits and custom.

2. It is further submitted that thereafter the above petitioner filed a petition to dissolve the marriage solemnized between them before the learned IV Additional District Judge, Tirunelveli, Tirunelveli District in



D.O.P.No.37 of 2016 and the same was dismissed on 25.10.2017 against which, the petitioner filed the present appeal before the Hon'ble Court and is pending.

3.It is submitted that the petitioner and the respondent in front of elders of the community have entered into a compromise, for getting compromise among the parties, the appellant has to pay a sum of Rs.28,00,000/- to the respondent towards the jewels which are pledged by the appellant. Further, the appellant is going to transfer the right of shared house at 266 B Main Road, behind Eswari Hospital, Vallioor to the respondent towards permanent alimony and accordingly, the respondent hereby any objections (No objection) in dissolving the marriage which was solemnized on 18.05.2007 at St.Benedict Church, Pathinathapuram, Radhapuram Taluk between them and also hereby expresses her consent to set aside the judgment dated 25.10.2017 passed by the learned IV Additional District Judge, Tirunelveli, Tirunelveli District in D.O.P.No.37 of 2016 and allow the petition and thereafter no legal relationship exists between them. In the above circumstances, it is therefore prayed that this Hon'ble Court may be pleased to set aside the Judgment dated 25.10.2017 passed in D.O.P.No.37 of 2016 by the learned IV Additional District Judge, Tirunelveli, Tirunelveli District and allow the petition and thus render justice"

4. It is seen from the joint compromise memo that the appellant paid a sum of Rs.28,00,000/- to the respondent by way of Demand Draft and conveyance of the property alone is pending because the original document is before the trial Court. The learned counsel for the appellant would state that as soon as the original document is received from the Court below, the appellant will convey the property immediately to the respondent, for which, the learned counsel for the respondent has got no objection.

5.In view of the compromise entered into between the appellant/husband and the respondent/wife in front of the elders, they did not insist the allegation against each other and there shall be an order of divorce. Accordingly, the order passed in D.O.P.No.37 of 2016 on the file of the learned IV Additional District Judge, Tirunelveli is set aside and this Civil Miscellaneous Appeal is allowed in terms of the joint compromise memo dated 16.08.2019. The joint compromise memo dated 16.08.2019 shall form part of the record. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

The IV Additional District Judge
Tirunelveli.

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Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

+1 CC to Mr.S. PALANI VELAYUTHAM, Advocate SR-82130.

+1 CC to Mr.KA. RAAMA KRISHNAN, Advocate SR-82264.

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