



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.07.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.M.S.A. (MD)No.18 and 19 of 2015
and
C.M.P (MD)Nos.6581 and 6582 of 2015

Renganathan @ Selva Ganeshen : Appellant
(in both appeals)
Vs.
Muthulakshmi : Respondent
(in both appeals)

Prayer in C.M.S.A. (MD)No.18 of 2015: Civil Miscellaneous Appeal filed under Section 100 of Civil Procedure Code r/w Section 28 of the Hindu Marriage Act, 1955, against the judgment and decree dated 24.02.2015 passed in the Civil Miscellaneous Appeal in C.M.A.No.9 of 2014 on the file of the Principal District Court, Pudukottai reversing the judgment and decree dated 04.02.2014 passed in the Divorce Petition in H.M.O.P.No.119 of 2012 on the file of the Subordinate Court, Pudukottai.

Prayer in C.M.S.A. (MD)No.19 of 2015: Civil Miscellaneous Appeal filed under Section 100 of Civil Procedure Code r/w Section 28 of the Hindu Marriage Act, 1955, against the judgment and decree dated 24.02.2015 passed in the Civil Miscellaneous Appeal in C.M.A.No.8 of 2014 on the file of the Principal District Court, Pudukottai reversing the judgment and decree dated 04.02.2014 passed in the Divorce Petition in H.M.O.P.No.58 of 2011 on the file of the Subordinate Court, Pudukottai.

For Appellant : Mr.J.Barathan
(in both appeals)
For Respondent : Mr.G.Mathavan
(in both appeals)

COMMON JUDGMENT

The husband is the appellant in both appeals. It is admitted that the husband/appellant has earlier filed a petition in H.M.O.P.No.No.119 of 2012 before the Sub Court, Pudukottai for divorce and the wife has also filed a petition in H.M.O.P.No.58 of 2011 for restitution of conjugal rights. Though the appellant was successful before the Sub Court, Pudukottai in getting a decree for divorce, on appeal by the wife in C.M.A.Nos.8 and 9 of 2014 respectively. The lower appellate Court allowed both appeals and



dismissed the petition filed by the petitioner in H.M.O.P.No.No.119 of 2012 and allowed the petition filed by the wife for restitution of conjugal rights in H.M.O.P.No.No.58 of 2011. Aggrieved by the same, the appellant has preferred the above appeals.

2.During the pendency of the appeals, the parties had negotiated for settlement. It appears that the parties have also entered into a compromise, for which, separate joint compromise memos in respect of C.M.A.Nos. 8 and 9 of 2014 respectively have been filed before this Court by way of petitions in C.M.P.(MD) Nos.6581 and 6582 of 2019. Both the parties have signed in the presence of their counsels and the same has been presented before this Court. In the said Joint Compromise Memos, the parties have agreed to the terms of compromise. As per the terms of compromise, the articles and jewels have been handed over to the respondent/wife. The appellant has handed over three demand drafts for the value of Rs.5,50,000/- in settlement of the dispute between the appellant and the respondent.

3.The respondent/wife has agreed for allowing both the appeals and to grant decree for divorce.

4.In view of the above settlement as per the terms set out in the compromise petition, both the appeals are allowed and the H.M.O.P.No.No.119 of 2012 filed by the husband for divorce is decreed as prayed for. The petition filed by the respondent in H.M.O.P.No.58 of 2011 stands dismissed. The petitions filed in C.M.P.(MD)Nos.6581 and 6582 of 2019 are allowed and the compromise memo signed by parties shall form part of the decree in both cases. No costs.

Sd/-

Assistant Registrar (CS-III)

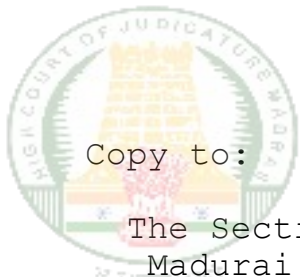
// True Copy //

Sub Assistant Registrar(CS)

Encl.: Xerox Copy of Joint Compromise Memo

To

1. The Principal District Judge,
Pudukottai.
2. The Sub Court,
Pudukottai



Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

WEB COPY

+2 CC to Mr.RM.ANNAMALAI, Advocate in SR-77073,77074

C.M.S.A. (MD) Nos.18 and 19 of 2015
and
C.M.P (MD) Nos.6581 and 6582 of 2015
23.07.2019

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