

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.Nos.4703 and 4706 of 2019

Dhanalakshmi .. Appellant in both the appeals
Vs.

S.Perumal Samy .. Respondent in both the appeals

Prayer: Civil Miscellaneous Appeal No.4703 of 2019 filed under Section 19 of the Family Courts Act, 1984 against the order and decree dated 04.09.2019 made in F.C.O.P.No.174 of 2015 on the file of the Family Court, Vellore, Vellore District.

Prayer: Civil Miscellaneous Appeal No.4706 of 2019 filed under Section 19 of the Family Courts Act, 1984 against the order and decree dated 04.09.2019 made in F.C.O.P.No.50 of 2017 on the file of the Family Court, Vellore, Vellore District.

For appellant : Mr.E.Kannadasan (in both the appeals)

For respondent : Mr.Arun Anbumani (in both the appeals)

COMMON JUDGMENT

(The Common Judgment of the Court was delivered by R.Subbiah, J)

These appeals are heard through video-conferencing.

2. Civil Miscellaneous Appeal No.4703 of 2019 is filed by the appellant herein (wife) against the order and decree dated 04.09.2019 made in F.C.O.P.No.174 of 2015 on the file of the Family Court, Vellore, Vellore District, in dismissing the divorce petition filed under Section 13(1)(i)(i-a) of the Hindu Marriage Act, by the appellant herein on the ground of cruelty and adultery.,

3. Civil Miscellaneous Appeal No.4706 of 2019 is also filed by the appellant herein (wife) against the order and decree dated 04.09.2019 made in F.C.O.P.No.50 of 2017 on the file of the Family Court, Vellore, Vellore District, in allowing the petition filed by the respondent herein (husband) under Sections

7, 8 and 25 of the Guardian and Wards Act, seeking custody of the minor son Sri Prapanjan and to appoint the respondent herein as guardian to the said minor son.

4. Today, when both these appeals are taken up for consideration, the respective parties and their counsel are present through video-conferencing and submitted that the parties have arrived at an amicable settlement between themselves and the appellant/wife agreed for divorce as well as to handover the custody of the said minor son to the respondents-husband and to appoint him as guardian. In the above terms, the parties have filed joint memorandum of compromise, dated 25.08.2020, before this Court by the present counsels in these appeals and signed by the parties and their respective trial Court's counsel.

5. Accordingly, C.M.A.No.4703 of 2019 filed by the wife challenging the dismissal of the petition filed for divorce before the trial Court, is allowed and C.M.A.No.4706 of 2019 filed by the wife challenging the custody and guardianship given to the respondent by the trial Court, is dismissed, in terms of the said joint memorandum of compromise, which shall form part of the judgment/decreed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Judge, Family Court, Vellore, Vellore District.

2. The Section Officer, सत्यमेव जयते
V.R. Section,
High Court,
Madras.

+2 cc's to M/s.E.Kannadasan, Advocate, sr.27705, 27706

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C.M.A.Nos.4703 and 4706 of 2019