



WEB COPY

C.M.A(MD)No.433 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.M.A(MD)No.433 of 2020

Sangeetha

... Appellant/Petitioner

Vs.

R.Sreenivasan

... Respondent /Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 r/w Section 28 of the Hindu Marriage Act, 1955 to allow this appeal by setting aside the order and decree made in H.M.O.P.No99 of 2019, dated 10.01.2020 on the file of the Family Court, Virudhunagar at Srivilliputhur.

For Appellant : Mr.M.Thirunavukkarasu

For Respondent : Mr.George Raja for

M/s. Ajmal Associates

JUDGMENT

[Judgment of the Court was delivered by **N.KIRUBAKARAN, J.**]

This Appeal has been filed as against the dismissal order, dated 10.01.2020, passed in H.M.O.P.No.99 of 2019, on the file of the Family Court, Virudhunagar at Srivilliputhur, filed by the appellant for dissolution of the marriage solemnized between the appellant and the respondent on 05.12.2016.

2.A perusal of the records shows that the marriage between the appellant-Sangeetha and the respondent-R.Sreenivasan was solemnized on 05.12.2016 and out of the said wedlock, on 08.12.2017 the appellant gave birth to a baby boy, namely, Dhananjeyan. Since there were differences of opinion between the appellant and the respondent, they started living separately and at this juncture, the appellant/ wife filed a petition in H.M.O.P.No.99 of 2019, under Section 13(1)(ia) of the Hindu Marriages Act, 1955 before the Family Court, Virudhunagar @ Srivilliputhur for dissolution of marriage and divorce. The said petition, after being contested by the respondent, was dismissed on merits, by judgment and decree, dated 10.01.2020, against which, the present appeal has been filed by the appellant / wife.

3.When the matter has been taken up today, the learned Counsel appearing for the parties on either side submitted that the appellant / wife and the respondent/ husband have arrived at a compromise and they have also filed a Joint Compromise Memo, dated 02.11.2020, signed by both the parties and their respective learned Counsel and prayed that the Joint Compromise Memo, dated 02.11.2020 be recorded and the appeal be allowed.



4.The Joint Compromise Memo, dated 02.11.2020, reads as follows:

"1. The respondent herein / husband agreed to grant divorce to his wife/ appellant herein. He further agreed that a male child born to them shall be with the custody of the appellant / wife and he will not claim any guardianship over the same in future till his life time.

2.The appellant herein / wife hereby withdraw the allegation levelled against her husband / respondent herein in her divorce petition.

3.The appellant herein has agree that she will not claim any maintenance from the respondent herein either to her or to her minor son in future. She further agreed that she will not claim any right over the property of the respondent herein for herself or her minor son in future.

It is therefore, prayed that this Hon'ble Court may be pleased to record the above joint memo and pass a decree of divorce by declaring the marriage solemnized between the appellant and the respondent on 05.12.2016 as null and void.

Sd/-XXXX

Counsel for the appellant

Sd/-XXXX

Counsel for the respondent

Sd/-XXXX

Appellant

Sd/-XXXX

Respondent"

5.The appellant - Sangeetha and the respondent - R.Sreenivasan have appeared before this Court through Video Conferencing and affirmed the Joint Compromise Memo, dated 02.11.2020.

6.By recording the above joint compromise memo, dated 02.11.2020 and considering the plea made by the appellant and the respondent to declare the marriage solemnized between them on 05.12.2016, as null and void, this Civil Miscellaneous Appeal is allowed and the marriage solemnized between the appellant and respondent is dissolved as per the Joint Compromise Memo, dated 02.11.2020, which shall form part and parcel of this judgment. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Dsk

Encl: Xerox copy of Joint Compromise Memo

To தலைவர் அவர்கள்

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The Judge,
The Family Court,
Virudhunagar at Srivilliputhur.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-21391[F] dated
06/11/2020)

C.M.A(MD) No.433 of 2020

05.11.2020

VB (07.12.2020) 3P 3C