



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

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THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.M.A. (MD)Nos.805 and 806 of 2018

and C.M.P. (MD)No.9295 of 2018

WEB COPY

M.Dinesh Kumar : Appellant in both appeals/Petitioner
versus

S.Jancy : Respondent in both appeals/Respondent

C.M.A. (MD)No.805 of 2018: Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, against the order dated 28.02.2017 passed in H.M.O.P.No.138 of 2016 on the file of the Judge, Family Court, Tirunelveli.

C.M.A. (MD)No.806 of 2018: Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, against the order dated 28.02.2017 passed in H.M.O.P.No.269 of 2015 on the file of the Judge, Family Court, Tirunelveli.

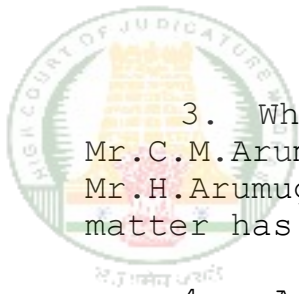
For Appellant : Mr.C.M.Arumugam
For Respondent : Mr.H.Arumugam

COMMON JUDGMENT

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

These appeals have been filed by the appellant/husband, against the dismissal order of divorce petition filed by him and the order of allowing the petition filed by the wife/respondent under Section 9 of the Hindu Marriage Act, seeking restitution of conjugal rights. Both the impugned orders have been passed by the learned Judge, Family Court, Tirunelveli, on 28.02.2017.

2. The appellant and the respondent got married on 02.06.2014 and out of their wedlock, a child was born to the couple. Due to the difference of opinion, the parties were living separately and thereafter, the a petition in H.M.O.P.No.138 of 2016 has been filed by the appellant/husband for divorce, whereas, the respondent/wife has filed a petition in H.M.O.P.No.269 of 2015 under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights. On contest, the divorce petition filed by the husband was dismissed and the petition filed by the wife under Section 9 of the Hindu Marriage Act for restitution of conjugal rights was allowed, against which, these appeals have been filed.



3. When the matter is called today, it is represented by Mr.C.M.Arumugam, learned Counsel for the appellant and Mr.H.Arumugam, learned Counsel for the respondent submitted that the matter has been settled between the parties.

4. A Joint Memo, dated 18.11.2020, has been filed, which has been signed by the appellant and the respondent and counter signed by their respective learned Counsel, stating that the matter has been settled between the parties and the appellant and the respondent are living with their child. The fact narrated in the Joint Memo, dated 18.11.2020, would show that the parties got reunited and they are living together.

5. Therefore, both the Civil Miscellaneous Appeals are disposed of in terms of the Joint Memo of Compromise, dated 18.11.2020. The Joint Memo of Compromise, dated 18.11.2020, shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Enclose: Xerox Copy of Joint compromise Memo.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Judge, Family Court, Tirunelveli.

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

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-22151[F] dated 19/11/2020)

C.M.A. (MD)Nos.805 and 806 of 2018
18.11.2020

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CS (07.12.2020) 2P 5C