

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.Nos.192 of 2019 and 3042 of 2018
and
C.M.P.No.23042 of 2018

C.Gopi ... Appellant/ Petitioner in both Appeals

Vs

Sathiavathi Sivakumar

... Respondent/Respondent in both Appeals

COMMON PRAYER : Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984, praying to set aside the fair order and decree dated 13.11.2018 made in FCOP.Nos.240 of 2017 and 568 of 2014 respectively, on the file of the Family Court, Vellore.

For Petitioner : Mr.R.Shanmugasundaram
Senior Counsel for
Mr.S.John J.Raja Singh

For Respondent : Mr.Rupert J.Barnabas

C O M M O N O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matters were heard through "Video Conference".

CMA.No.192 of 2019 has been filed against the order of dismissal of the petition filed under Sections 7,8 and 25 of Guardian and Wards Act 1890 by the appellant/husband against the respondent/wife, passed by the Family Court, Vellore.

CMA.No.3042 of 2018 has been filed against the order passed by the Family Court, Vellore, dismissing the petition filed under Section 13(1) (i-b) of Hindu Marriage Act, by the appellant/husband against the respondent/wife

2. The appellant got married to the respondent on 24.05.2004 at Vellore. The petitioner is a Software Engineer working in USA. After marriage, the respondent also went to America. Since the respondent got conceived she came back to India and thereafter, she returned to America. The respondent gave birth to a male child on 14.10.2005 viz., Harish Gopi, in America. Since there was a dispute between both the parties, the respondent returned to India and thereafter they are living separately. After returning from USA, the appellant filed two petitions in FCOP.No.568 of 2014, under Section 13(1) (i-b) of Hindu Marriage Act for dissolving the marriage dated 24.05.2004 between the appellant and the respondent and another petition in FCOP.No.240 of 2017 under Sections 7, 8 and 25 of Guardian and Wards Act 1890, before the Family Court, Vellore.

3. On contest, both the petitions were dismissed. Aggrieved over that only, the present appeals have been filed by the appellant.

4. When the matters are called today, i.e., 19.04.2021, both the parties appeared before this Court along with their son and they categorically stated that they have decided to part ways and also filed a joint memo of compromise signed by both the parties and counter signed by their respective counsel. The memo of compromise is also signed by their son.

5. In the said memo of compromise, the appellant undertook to give a sum of Rs.75,50,000/- in favour the respondent/wife by way of D.D.No.231717, South Indian Bank Limited, Vellore, dated 16.04.2021 and a sum of Rs.50,00,000/- in favour of his minor son, D.D.No.508114, ICICI Bank, Vellore, dated 17.04.2021 and the same was received by the respondent in open Court as full and final settlement.

6. As per Clause 10 of the memo of compromise, the appellant and the respondent request this Court to dissolve the marriage dated 24.05.2004 between the appellant and the respondent.

7. Since the parties categorically stated before this Court that they have decided to part ways and the joint compromise memo has also been filed, this Court set aside the dismissal order passed in FCOP.No.240 of 2017 and FCOP.No.568 of 2014, dated 13.11.2018, passed by the Family Court, Vellore and grants the decree of divorce by mutual consent. Both the parties agreed not to press the allegations made against each other.

8. The appeals are allowed in the above terms. The memo of compromise shall form part of the decree. Since the son is a Citizen of USA and the passport has already got expired, the required unconditional support/assistance has to be provided by the appellant to the respondent for getting renewal of the passport within a period of two months from the date of receipt of a copy of this judgment. No costs.

*Copy of the Joint Memo enclosed

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

ub/sai

To

The Judge,
The Family Court, Vellore.

Copy To

The Section Officer,
VR Section,
High Court, Madras. +2 Copies

+2cc to Mr.Rupert J.Barnabas, Advocate SR.No.24182

C.M.A.Nos.192 of 2019 and 3042 of 2018

WEB COPY

LN (CO)
GMY (27/04/2021)