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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM :

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

C.M.A.NO.1349 OF 2018
AND
C.M.P.NO.10799 OF 2018

K.Ganeshkumar

... Appellant/Petitioner

Vs

G.Shiyamala Gowri

... Respondent/Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984, praying to set aside the fair and decreetal order passed by the Family Court, Vellore on 09.05.2018, in O.P.No.339 of 2014.

For Petitioner : Mr.S.Janarthanam

For Respondent : Mr.Dr.R.Sampath Kumar

ORDER

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

The matter was heard through "Video Conference".

2. The appeal has been filed by the husband against the dismissal of his petition for divorce to dissolve the marriage dated 07.03.2011 between the appellant and the respondent. The appellant got married the respondent on 07.03.2011 at Mayiladuthurai and out of the wedlock a male child was born on 01.05.2012.



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3. After the child birth, disputes arose between the parties, which compelled the appellant to file OP.No.4430 of 2012, which was renumbered as FCOP.No.339 of 2014 on the file of the Family Court, Vellore. On contest, the petition was dismissed, against which only the present appeal has been filed by the husband.

4. When the matter is called today, both appellant and respondent appeared before this Court through Video Conference and categorically stated that they do not want to rejoin and they are agreed to get divorce by consent and to dissolve the marriage dated 07.03.2011. The appellant paid a sum of Rs.10,00,000/- (Rupees ten lakhs only) by way of D.D.No.576089, dated 12.02.2021 in favour of the respondent, which was received by the respondent, today, as a final settlement.

5. In view of the above categorical statements made by the parties before this Court and the memo of compromise dated 18.02.2021, signed by both the parties and counter signed by their respective counsels, there is no claim against each other and a sum of Rs.10,00,000/- has been paid by the appellant to the respondent towards final settlement of the claim of the respondent.

6. Therefore, the decree and judgment passed in FCOP.No.339 of 2014, dated 21.11.2012, by the Family Court, Vellore, is set aside and there shall be a decree of divorce by mutual consent.

7. The appeal is disposed of in the above terms. The memo of compromise shall form part of the decree. Consequently, connected miscellaneous petition is closed. No costs.

* Herein Enclosed the Xerox Copy of the Memo of Compromise.

Sd/-

Assistant Registrar(ADMN III)

// True Copy //

Sub Assistant Registrar

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To

The Family Court, Vellore.

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The Section Officer,
V.R.Section,
High Court, Madras-104.

+1cc to M/s.Dr.R.Sampath Kumar, Advocate, S.R.No.26220

+1cc to M/s.T.Dhanyakumar, Advocate, S.R.No.25473

C.M.A.No.1349 of 2018
and C.M.P.No.10799 of 2018

RP(CO)
RLP(12/11/2021)