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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A. NO.438 OF 2018

M.R.Venkatesh @ David

...Appellant/
Petitioner

Vs.

A.Jingline Vasthi Rani

...Respondent/
Respondent

Prayer:

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act to set aside the decree and judgment passed by the Hon'ble IV Additional Family Court at Chennai in O.P.No.1803/2016, dated 13.12.2017 and dissolve marriage solemnized between the appellant and respondent on 09.04.2015 at B.K.N. Auditorium, Rithodren Road, Vepery, Chennai 600 007 and declare the marriage is void in the eye of law.

For Appellant	: Mr.M.B.Anandaraj
For Respondent	: Ms.Sangeetha Rajkumar for Mr.J.R.Edwin

J U D G M E N T

[Judgment of the Court was delivered K.KALYANASUNDARAM, J]
The appeal is heard through video conferencing.

2. The marriage between the appellant and the respondent was solemnized on 09.04.2015. The appellant sought dissolution of marriage u/s. 10(i)(x) of Indian Divorce Act. The original petition was dismissed. Assailing the judgment and decree, the present appeal has been filed.

3. The parties along with their respective counsels appeared before this Court and stated that the dispute between the parties had been amicably settled. The respondent would state that there is no objection for granting divorce to the appellant. They have filed a memo of compromise, dated



29.09.2021 signed by them and their counsels. The terms of the compromise reads as follows:

"1. The appellant and the respondent most humbly submit that they were married on 09.04.2015 as per Christian rites and customs. It was an arranged marriage and out of wedlock no child were born.

2. The appellant and the respondent most humbly submit that due to the differences of opinion between them they separated from June 2015 and both of them are living in their respective parent's home.

3. The appellant and the respondent most humbly submit that due to the differences of opinion the appellant filed a petition for divorce in O.P.No.1803 of 2016 before the learned IV Additional Family Court at Chennai u/s. 10(i)(x) of Indian Divorce Act alleging various allegations on the respondent and the same was dismissed by order dated 13.12.2017.

4. The appellant and the respondent most humbly submit that she filed for maintenance before the Hon'ble IV Additional Family Court in M.C.No.555 of 2017 and the same was dismissed for non-prosecution on 11.10.2018, against which no revision has been filed by the respondent.

5. The appellant and the respondent most humbly submit that the appellant filed an appeal in C.M.A.No.438 of 2018 against the judgment and decree of dismissal of divorce petition of the learned IV Additional Family Court at Chennai.

6. The appellant and the respondent most humbly submit that during the course of the appeal in CMA.No.438 of 2018 the appellant and the respondent sorted out their differences amicably and arrived at a compromise whereby the appellant husband agreed to withdraw all his allegation and accusation made on the respondent in O.P.No.1803 of 2016.

7. the appellant and the respondent most humbly submit that the respondent is willing to withdraw all the allegation made against the appellant in the counter filed in O.P.No.1803 of 2016 and undertakes not to set aside the dismissal order in M.C.No.555 of 2017 filed before VI Additional Family Court at Chennai.



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8. The appellant and the respondent humbly submit they will not make any claim against the property or money of each other in the future.

9. The appellant and the respondent most humbly submit that they have exchanged all their belongings at the time of final hearing of this appeal and each of them do not have any claim whatsoever regarding the articles.

10. Article List:- 1.T.V(LG) 32 inch-1, 2. Mixy-1, 3.Fridge-1, 4.Washing Machine-1, 5.Cooker-2, 6.Gas Stove-1, 7.Dressing Table-1, 8.Bero-1, 9.Cot-1, 10.Silver Thavalai-1, 11.Pithalai Thavalai-1, 12.Pithalai Kudam-1, 13.Silver Kudam-1, 14.Big Size Tumbler-2, 15.Jug-1, 16.Silver Annda-1, 17.Pithalai Annda-1, 18.Pithalai Thavalai-1, 19.Pithalai Annda Moodi-1, 20.Silver Annda Moodi-1, 21.Thattu-2, 22.Kinnam-2, 23.Kuzhambu Decha-1, 24.Sappattu Taksh-1, 25.Vadi thattu-1, 26.Mul Carandy-1, 27.Jalli Carandy-1, 28.Anna Carandy-1, 29.Table Spoon-1, 30.Grin Las-1, 31.Periya Thooku-1 & 32.Silver Thavalai.

11. The appellant and the respondent have mutually agreed for the above terms and conditions and they have not been influenced or coerced by anyone.

Therefore, it is most humbly prayed that this Hon'ble Court may be pleased to grant divorce in O.P.No.1803 of 2016 on the file of the IV Additional Family Court at Chennai and pass any such other or further orders deemed fit and proper in the circumstances of this case and thus render justice."

4. Considering the above, the appeal is disposed of in terms of the memo of compromise, dated 29.09.2021 and the marriage solemnized between the appellant and the respondent on 09.04.2015 is dissolved. The memo of compromise shall form part of the decree.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs



To

1. The IV Additional Judge,
Family Court,
Chennai.
2. The Section Officer,
V.R.Section, High Court, Madras.

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MG (CO)
PM/23/11/2021