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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MS.JUSTICE P.T.ASHA

C.M.A.Nos.4047 & 4087 of 2019
and
C.M.P.Nos.22861 & 23072 of 2019

M.Murugeshwari ...Appellant in both the Appeals

Vs

N.Balamurugan ... Respondent in both the Appeals

COMMON PRAYER : Civil Miscellaneous Appeals filed under Section 19 (3) of Family Courts Act, 1934 against the common Judgment and Decree dated 27.06.2019 passed in H.M.O.P.No.3166 of 2010 and I.A.No.1 of 2019 in H.M.O.P.No.3166 of 2010 on the file of Principal Family Court, Chennai.

For Appellant in both Appeals : Mr.M.Deivanandam.

For Respondent in both Appeals : Mr.V.Neethidurai.

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

These matters have been heard through "Video Conference".

2.These Appeals have been preferred by the Appellant / wife against the allowing of divorce Petition in H.M.O.P.No.3166 of 2010 and the dismissal of the Petition seeking restitution of conjugal rights in I.A.No.1 of 2019 in H.M.O.P.No.3166 of 2010 by the Principal Judge, Principal Family court, Chennai.

3.The Appellant and the Respondent got married on 07.09.2009. After marriage, within two months, they have got separated on 02.11.2009 and thereafter, the parties cannot reunite. Therefore, the Respondent filed a divorce Petition in H.M.O.P.No.3166 of 2010 and in the said Original Petition, the Appellant filed a Petition in I.A.No.1 of 2019 for restitution



of conjugal rights. On contest, the divorce Petition filed by the Respondent was allowed and the petition seeking restitution of conjugal rights filed by the Appellant was dismissed. Against the said common Judgment and Decree, these Appeals have been filed by the Appellant / wife.

4. Heard Mr.M.Deivanandam, Learned Counsel for the Appellant and Mr.V.Neethidurai, Learned Counsel for the Respondent in both the Appeals.

5. When the matter is called today, both the parties are present before this Court through Video Conference and they categorically stated that they do not want to live together and willing to get separated. In this regard, memo of compromise dated 26.07.2021 signed by both the parties and counter signed by their respective Counsel has been filed before this Court.

6. A perusal of the memo of compromise would reveal that the Appellant accepted a sum of Rs.4,00,000/- (Rupees Four Lakhs only) which has been paid by the Respondent / husband by way of demand draft vide D.D.No.549647, drawn on TM Bank, Royapuram Branch and they have categorically stated that they have got no claim against each other and they have also exchanged their articles. It is also stated that in spite of the divorce decree granted by the trial Court on the ground of cruelty, both the parties agreed to get the marriage dissolved by mutual consent.

7. Considering the fact that the Parties are living separately for more than eleven years and the categorical statement made before this Court that they do not want to live together and in view of the memo of compromise, no purpose will be achieved by hearing the matter on merits.

8. In view of the above, the common order passed by the trial Court in H.M.O.P.No.3166 of 2010 and in I.A.No.1 of 2019 in H.M.O.P.No.3166 of 2010 is modified and decree of divorce is granted by mutual consent. Accordingly, these Civil Miscellaneous Appeals are disposed of in terms of memo of compromise. The memo of compromise shall form part of the decree and Judgment. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



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To

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The Judge,
The Principal Family Court,
Chennai.

+lcc to Mr.V.Neethidurai, Advocate Sr.36988[09/08/2021]

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and
C.M.P.Nos.22861 & 23072 of 2019

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srg 06/08/2021