



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CMA.Nos.2890 and 2891 of 2018

Rajathi ... Appellant in both CMAs.
-vs-
Sakthivel ... Respondent in both CMAs.

Civil Miscellaneous Appeals filed under Section 19 of the Family Courts Act against a Common Fair and decreetal order dated 19.03.2018 passed in HMOP.Nos.1456 of 2017 and 1458 of 2017 respectively by the learned Additional Principal Judge, Additional Principal Family Court, Coimbatore.

For Appellant : Mr.N.Manokaran
For Respondent : Mr.M.Guruprasad

JUDGMENT

(Judgment of the Court was pronounced by T.RAJA, J.)

Both these Civil Miscellaneous Appeals have been filed by the appellant-wife against the common fair and decreetal order passed by the learned Additional Principal Judge, Additional Principal Family Court, Coimbatore, in HMOP.No.1456/2017 filed by the appellant-wife under Section 13(1) (i-a) of the Hindu Marriage Act, 1955, thereby declining to grant a decree of divorce by dissolving the marriage that was solemnized between the appellant and the respondent on 22.06.2008 at Raja Swamy Temple, Vellode, Erode District and allowing the HMOP.No.1458/2017 filed by the respondent-husband seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955.

2. When these matters were called today, learned Counsel on either side by producing a Joint Compromise Memo filed by the parties, jointly requested us to pass a decree of divorce recording the said Joint Compromise Memo dated 30.11.2021.

3. In this regard, it is relevant to extract the Joint Memo



of Compromise here under :

1.The appellant and the respondent are the wife and husband respectively. The appellant filed HMOP No.1456 of 2017 for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The respondent filed HMOP No.1458 of 2017 for restitution of conjugal rights under Section 9 of the Act, 1955.

2.The petition for divorce in HMOP No.1456 of 2017 was dismissed and the petition in HMOP No.1458 of 2017 was allowed, by a common judgment dated 19.03.2018. Aggrieved against, the appellant has filed the above two appeals before this Court.

3.The appellant and the respondent submit that pending the above appeals, at the instance of the well wishers, they have agreed to compromise the dispute amicably in the interest and welfare of both in the following terms:

i)The appellant/wife and the respondent/husband are unconditionally agreeing for divorce by mutual consent.

ii)The appellant/wife is waived of her right of interim/ permanent alimony from the respondent/husband.

iii)The respondent/husband is waived of his right of visitation right or interim/permanent custody of their daughter Minor S.R.Prathiksha (DOB:05.05.2009).

iv)Neither of the parties herein shall indulge in any kind of personal or property disputes before the Court of law, relating to their past matrimonial life.

v)The relationship between the appellant and the respondent as wife and husband stands dissolved forthwith, in view of this joint memo of compromise to dissolve the marriage by mutual consent.

vi)The registration of their marriage held on 22.06.2008 and registered in the Marriage Register at Sub Registrar Office Erode (Sl.No.27/2011) on 27.01.2011 stands cancelled.

4.The respondent/husband Sakthivel had changed his name as M.R.Sai Vathshan and this change had been duly published in Tamilnadu Gazette No.37, Page No:17/38, Sl.No.28721, dt.13.09.2017. Both the parties mutually agree that there is no identity issue between them.

5.This memo of compromise may be treated as part and parcel of the decree to be passed by this Court.



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It is, therefore, both the parties pray this Hon'ble Court may be pleased to grant a decree of divorce by dissolving the marriage solemnized between the appellant and the respondent on 22.06.2008 at Raja Swamy Temple, Vellode, Perundurai Taluk, Erode District, in terms of this joint memo of compromise and thus render justice.''

4. A perusal of the Joint Compromise Memo dated 30.11.2021 filed by both the parties shows that the same was accompanied with their Aadhar Cards and also the Tamil Nadu Government Gazette dated 13.09.2017 showing the change of name of the respondent husband as M.R.Sai Vathshan. Therefore, recording the Joint Compromise Memo dated 30.11.2021 filed by both the parties, the marriage that was solemnized between the appellant-wife and the respondent-husband on 22.06.2008 at Raja Swamy Temple, Vellode, Erode District is hereby dissolved and thereupon, a decree for divorce is granted to them in terms of the Joint Compromise Memo dated 30.11.2021.

5. In the result, both these Civil Miscellaneous Appeals are disposed of accordingly. No costs. It is needless to mention that the Joint Compromise Memo dated 30.11.2021 shall form part of the decree.

Sd/-

Assistant Registrar(I)

//True Copy//

Sub Assistant Registrar

Tsi

To

The Additional Principal Judge,
Additional Principal Family Court,
Coimbatore.

Copy To

The Section Officer,
VR Section,
High Court, Madras.

+2cc to Mr.N.Manokaran, Advocate SR.No.63911, 63910

+1cc to Mr.M.Guruprasad, Advocate SR.No.64613

CMA.Nos.2890 and 2891/2018

SV(CO)

GN(09/03/2022)