



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.S.A.(MD).No.24 of 2010 and

M.P(MD)No.1 of 2010

M.Vasantha

Appellant/Appellant/Respondent

Vs.

S.P.Manoharan

Respondent/Respondent/Petitioner

PRAYER: Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act r/w Section 100 of the Civil Procedure Code, against the judgment and Decree in H.M.C.M.A.No.8 of 2001 dated 11.09.2003, on the file of Principal District Judge, Tirunelveli, in and by which the judgment and Decree in H.M.O.P.No.28 of 1995 dated 25.08.2000, on the file of the Additional Subordinate Court, Tirunelveli was confirmed.

For Appellant	: Mr.N.Dilip Kumar
For Respondent	: Mr.Y.Jagadeesh

J U D G M E N T

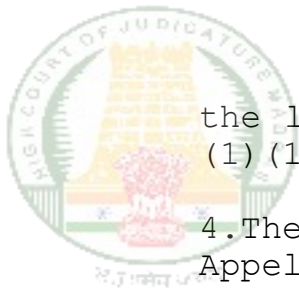
Today, when the Civil Miscellaenous Second Appeal is taken up for hearing, it is reported by the learned counsel appearing for the appellant as well as the learned counsel appearing for the respondent that the issue has been settled between the parties and a joint compromise memo dated 07.11.2020, has also been filed to that effect by the parties, which reads as follows:-

"Appellant and respondent submit as follows:-

1.Appellant has filed this Civil Miscellaenous Second Appeal against the judgment and Decree in H.M.C.M.A.No.8 of 2001 dated 11.09.2003 passed by the Principal District Judge, Tirunelveli and the Judgment and Decree in H.M.O.P.No.28 of 1995 dated 25.08.2000, on the file of the Sub Court, Tirunelveli.

2.The appellant and respondent married on 23.11.1964, according to Hindu Rites and customs at Parasakthy Buildings, Madurai Road, Tirunelveli Junction. Out of the lawful wedlock 2 female children and a male child were born to the appellant and respondent.

3.The respondent herein who is the petitioner in the lower Court had filed H.M.O.P.No.28/1995 under Section 13 (1) (11) and (1A) of the Hindu Marriage Act. The Lower Court had come to a conclusion that the ground for divorce under Section 13(1) (11) had not been proved. But



the lower Court had allowed the petition under Section 13 (1) (1A) of the Hindu Marriage Act.

4.The appellant filed appeal in H.M.C.M.A.No.8 of 2001. Appellate Court confirmed the lower Court order.

5.Thereafter the appellant filed the present CMSA challenging the judgment and decree in H.M.C.M.A.No.8 of 2001 dated 11.09.2003.

6.Pending Civil Miscellaenous Second Appeal, Appellant and respondent had comprehensively settled the issues between them. They hve reunited now and are living their life peacefully now.

7.The Appellant and respondent now living together in appellant's home at Chennai.

8.The appellant and the respondent therefore seek to file this Joint Compromise Memo before this Hon'ble Court praying to allow this CMA and thereby set aside the judgment and Decree in H.M.C.M.A.No.8 of 2001 dated 11.09.2003 passed by the Principal District Judge, Tirunelveli and the judgment and Decree in H.M.O.P.No.28 of 1995 dated 25.08.2000 on the file of the Sub Court, Tirunelveli. The Marriage has to be saved accordingly.

9.It is therefore prayed that this Hon'ble Court may be pleased to record this Compromise Memo; allow the CMSA and pass such further or other order suitable to the facts and circumstances of this case and thus render justice."

2. In view of the above, the Civil Miscellaneous Second Appeal stands disposed of, in terms of the above compromise memo. The memo so filed by the counsel for the appellant and respondent shall form part of the decree. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Principal District Judge, Tirunelveli,

2.The Additional Subordinate Judge, Tirunelveli

3.The Section Officer, (2C)

V.R.Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-2093[F] dated 25/01/2021)

C.M.S.A.(MD).No.24 of 2010 and
M.P(MD)No.1 of 2010
Dated 22.01.2021

SVN(CO)

KB(17.02.2021) 3P 6C