



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2021

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) No.159 of 2021

Thenammai Anitha
Through her power agent,
L.Lakshmanan

... Petitioner/Petitioner/Petitioner

vs.

Kannappan

... Respondent/Respondent/Respondent

PRAYER : This Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair order and decreetal order dated 20.11.2020 passed by the Family Court, Sivagangai, in I.A.No.1 of 2020 in unfiled O.P.No. of 2020.

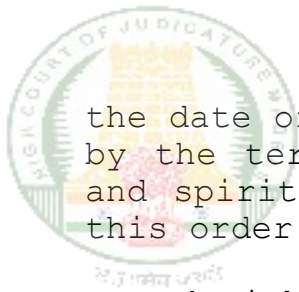
For Petitioner : Mr.K.Sudalaiyandi
For Respondent : Mr.D.Selvanayagam

ORDER

This revision petition has been filed against the fair and decreetal order dated 20.11.2020 passed in I.A.No.1 of 2020 in unnumbered O.P.No. of 2020 on the file of the Family Court, Sivagangai.

2.The case being a matrimonial dispute, at the request of the parties, the matter was referred to mediation by an order dated 02.03.2021. Mr.A.Haja Mohideen, Advocate, was appointed as mediator. After due deliberations by the mediator, the parties have come to an amicable settlement by entering into an agreement dated 19.03.2021 with certain terms. The mediation centre has sent its report along with the agreement between the parties.

3.By virtue of the agreement, the parties would state that they will dissolve the marriage either in the pending HMOP.No.54 of 2021 filed by the petitioner for divorce or by filing a fresh divorce petition on mutual consent. Admittedly, the parties are living separately for past two years. The Hon'ble Supreme Court in the judgment reported in **(2017) 8 SCC 746, Amardeep Singh Versus Harveen Kaur**, has held that the cooling period mentioned in Section 13B(2) is not mandatory but directory. Therefore, if the parties file a fresh petition for divorce on mutual consent as per the settlement agreement, the learned Judge, Family Court, Sivagangai, is directed to dispose of the said petition within a period of four weeks from



the date of filing of the divorce petition. The parties shall abide by the terms and conditions of the settlement agreement in letter and spirit. The settlement agreement shall form part and parcel of this order.

4. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ENCL : Xerox copy of Settlement Agreement.

bala/msa

To

The Judge,
Family Court,
Sivagangai.

Copy to:

The Registrar(Judicial), Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SELVANAYGAM, Advocate (SR-13357[F] dated
24/03/2021)

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-13392[F] dated 24/03/2021
)

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bala(CO)

KK(09.04.2021) 2P 5C