



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A. (MD) No.628 of 2020

S.Prakathi

.. Appellant/Petitioner

Vs.

K.Gnanamanikandan

.. Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, praying to set aside the Fair and Executable order dated 17.10.2020, passed in H.M.O.P.No.687 of 2019 by the learned Family Judge, Madurai.

For Appellant : Mr.T.R.Subramanian

For Respondent : Mr.J.Barathan

JUDGMENT

[Judgment of the Court was delivered by **V.BHARATHIDASAN, J.**]

Against the dismissal of H.M.O.P.(MD) No.687 of 2019, seeking for divorce, the present Civil Miscellaneous Appeal has been filed.

2.Today (12.08.2021), when the matter was taken up for hearing, Mr.T.R.Subramanian, learned counsel for the appellant and Mr.J.Barathan, learned counsel for the respondent submitted that the matter has now been settled between the parties and the respondent/husband has agreed for divorce.

3.A Memorandum of Compromise signed by the appellant, respondent and their respective counsel was filed before this Court, which reads as follows:

"It is submitted that the Appellant S.Prakathi and the Respondent herein K.Gnanamanikandan have been living separately for more than four years and their marriage miserably failed and irrecoverably broken down and have mutually consented to dissolve the marriage on 30.03.2017 before Sub Registrar, Nilakottai.

1.The Appellant filed a Divorce Petition in H.M.O.P.No.687 of 2019 on the file of the Family Court, Madurai against the Respondent under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act,1955 on the grounds of cruelty and desertion. The said Divorce



Petition was dismissed by order dated 17.10.2020. Challenging the said order, the Appellant filed the Appeal in C.M.A.(MD) No.628 of 2020 before this Hon'ble Court and the same is pending.

2.Now, both parties have resolved their disputes and arrived at a compromise as detailed below:-

i)Both parties hereby agreed that the marriage solemnized between them on 30.03.2017 bearing Registration No.185 of 2017 on the file of the Registrar of Marriages, Nilakottai shall stand dissolved.

ii)Both parties hereby agree that the marriage registration certificate dated 30.03.2017 bearing Registration No.185 of 2017 on the file of the Registrar of Marriages, Nilakottai shall stand cancelled.

iii)The Appellant hereby voluntarily accepts that she is not claiming any right of maintenance or permanent alimony from the Respondent.

iv)Both parties hereby agree that either of them is not holding any of the properties of the other.

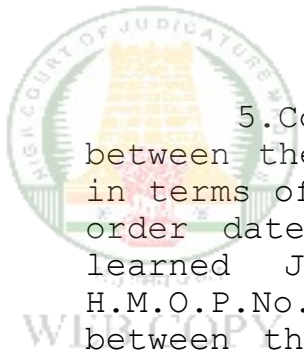
v)Both parties hereby withdraw all the allegations made in the Original Petition, the Written Statement and the grounds of Appeal against each other.

vi)Both parties are at liberty to lead their life according to their wishes.

In the above said circumstances the Appellant and the Respondent humbly pray that this Hon'ble Court may be pleased to record the terms of this compromised and the Appeal C.M.A.(MD) No.628 of 2020 may be disposed off on the terms above compromise and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice."

The said Compromise Memorandum is taken on file and recorded.

4.The appellant S.Prakathi is present before this Court in person along with her counsel and respondent K.Gnanamanikandan appeared through Video Conferencing along with his counsel and submitted that both of them have settled the matter between themselves and agreed to for divorce.



5.Considering the fact that the matter has been settled between the parties, the Civil Miscellaneous Appeal stands allowed in terms of the Memorandum of Compromise and the Fair and Executable order dated 17.10.2020, passed in H.M.O.P.No.687 of 2019 by the learned Judge, Family Court, Madurai stand set aside and H.M.O.P.No.687 of 2019, stands allowed, dissolving the marriage held between the appellant and respondent solemnized on 30.03.2017 at Nilakottai Registrar Office. The Memorandum of Compromise shall form part of this judgment. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

Enclose Joint Compromise Memo.

1. The Judge,
Family Court,
Madurai.

Copy to

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

+1 CC to M/s.T.R.SUBRAMANIAN, Advocate (SR-26206[F] dated 12/08/2021)

+1 CC to M/s.T.R.JEYABALAM, Advocate (SR-26336[F] dated 16/08/2021)

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