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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2021

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.M.S.A(MD)Nos.50 and 51 of 2016

and

C.M.P(MD)No.10974 of 2016

C.M.S.A(MD)No.50 of 2016

M.Santhiya ... Appellant/Respondent/Respondent

-vs-

K.Manikandan ...Respondent/Appellant/petitioner

C.M.S.A(MD)No.51 of 2016

M.Santhiya ... Appellant/Respondent/Petitioner

-vs-

K.Manikandan ...Respondent/Appellant/Respondent

Prayer in C.M.S.A(MD)No.50 of 2016: Civil Miscellaneous Second Appeal filed under Section 28 of the Hindu Marriage Act and Section 100 of Civil Procedure Code praying this Court to set aside the judgment and decree of the Lower Appellate Court made in C.M.A.No.19 of 2014, dated 19.7.2016, on the file of the Additional District Judge, Dindigul reversing the judgment and decree of the trial Court made in H.M.O.P.No.41 of 2004, dated 9.4.2013, on the file of the Subordinate Judge, Palani.

Prayer in C.M.S.A(MD)No.51 of 2016: Civil Miscellaneous Second Appeal filed under Section 28 of the Hindu Marriage Act and Section 100 of Civil Procedure Code praying this Court to set aside the judgment and decree of the Lower Appellate Court made in C.M.A.No.18 of 2014, dated 19.7.2016, on the file of the Additional District Judge, Dindigul reversing the judgment and decree of the trial Court made in H.M.O.P.No.82 of 2009, dated 9.4.2013, on the file of the Subordinate Judge, Palani.

For Appellant : Mr.M.Saravanan
in both appeals

For Respondent : Mr.V.S.Karthi
in both appeals

**COMMON JUDGMENT**

C.M.S.A(MD)No.50 of 2016 has been filed praying this Court to set aside the judgment and decree of the Lower Appellate Court made in C.M.A.No.19 of 2014, dated 19.7.2016, on the file of the Additional District Judge, Dindigul reversing the judgment and decree of the trial Court made in H.M.O.P.No.41 of 2004, dated 9.4.2013, on the file of the Subordinate Judge, Palani.

2.C.M.S.A(MD)No.51 of 2016 has been filed praying this Court to aside the judgment and decree of the Lower Appellate Court made in C.M.A.No.18 of 2014, dated 19.7.2016, on the file of the Additional District Judge, Dindigul reversing the judgment and decree of the trial Court made in H.M.O.P.No.82 of 2009, dated 9.4.2013, on the file of the Subordinate Judge, Palani.

3.When the matter is taken up for hearing today, the learned counsel appearing for the appellant/wife would submit that due to the intervention of the relatives and well-wishers of both parties, the matter has been settled between themselves and the appellant/wife and respondent/husband are living together. They have also filed a Joint Compromise Memo before this Court to that effect, which has been duly signed by both the appellant and respondent and their respective counsels. They have also enclosed necessary proof of identification, namely Copy of the Aadhar Card for proper identification of parties.

4.The learned counsel for the respondent/husband would submit that the matter has been settled between the parties and the respondent has also agreed for the same.

5.Both the parties have agreed to the terms of the joint compromise memo, which reads as follows:

'1.The appellant and the respondent have reunited and living jointly along with the child.

2.The appellant and the respondent consent for setting aside the decree dated 9.4.2013 passed by the Sub-Court Palani in H.M.O.P.No.41 of 2004 and 82 2009 and the judgment and decree dated 19.07.2016 passed by the Additional District Judge's Court, Dindigul in C.M.A.Nos.18 and 19 of 2014 and dismiss the H.M.O.P.Nos.41 of 2004 and 82 of 2009 as not pressed.

3.The appellant and the respondent have no mutual claim against each other.'

6.In view of the above submission made by the learned counsel appearing on either side, these Civil Miscellaneous Second Appeals are disposed of in terms of the Joint Compromise Memo and the judgment and decree made in C.M.A(MD)Nos.18 and 19 of 2014, dated 19.07.2016, on the file of the Additional District Judge, Dindigul are set aside. The Joint Compromise memo shall form part and parcel



of the judgement. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

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Sub Assistant Registrar(CS)

vsn

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

- 1.The Additional District Judge,
Dindigul.
- 2.The Subordinate Judge,
Palani.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-28771[F] dated 09/09/2021)

C.M.S.A(MD)Nos.50 and 51 of 2016

and

C.M.P(MD)No.10974 of 2016

09.09.2021

MGJ/JGB(15.11.2021) 3P 6C