



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 5.10.2021.

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

C.M.S.A.(MD) No.24 of 2017
and
C.M.P.(MD) No.6858 of 2017

T.Rathimunisree

Appellant/Appellant/ Respondent

vs.

A.Raja

Respondent/Respondent/Petitioner

Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act, read with Section 100 CPC against the Judgment and Decree dated 14.12.2015 passed in H.M.C.M.A.No.12 of 2015 on the file of the I Additional District Court, Thoothukudi confirming the order dated 23.7.2015 passed in H.M.O.P.No.4 of 2015 on the file of the Sub Court, Kovilpatti.

For Appellant : Mr.M.Saragan
For Respondents : Mr.V.SasiKumar for
M/s..M.Michael Bharathi

JUDGMENT

The Civil Miscellaneous Appeal has been filed seeking to set aside the judgment and Decree dated 14.12.2015 passed in H.M.C.M.A.No.12 of 2015 on the file of the I Additional District Court, Thoothukudi which confirms the order dated 23.7.2015 passed in H.M.O.P.No.4 of 2015 on the file of the Sub Court, Kovilpatti.

2. Learned counsel appearing for the parties on either side would submit that the marriage between the appellant and the respondent was solemnized on 30.11.2000 and due to certain differences that arose between the parties, the respondent-husband had filed H.M.O.P.No.4 of 2015 before the learned Sub Judge, Kovilpatti and the court, by order dated 23.7.2015 dissolved the marriage between the parties. Aggrieved against the same, the wife had preferred Appeal in H.M.C.M.A.No.12 of 2015 before the learned I Additional District Judge, Thoothukudi and the Appeal was dismissed confirming the decree of divorce granted against which the wife had preferred the present Civil Miscellaneous Second Appeal.

3. Pending the appeal, the parties have compromised the

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differences between them and they have filed the Memorandum of Understanding for reunion dated 27.9.2021 which reads as under:-

"This Memorandum of Understanding, hereinafter will be referred to MoU for brevity sake, is made on the 27th day of September, 2021 between A.Raja (Aadhaar No.3396 8927 2704) son of S.Arumugasamy, aged 47 years and residing at 20, Chidambaram Nagar, Sattur in Virudhunagar District of one part and Rathi Munisri (Aadhaar No.6945 0673 0947) wife of A.Raja and daughter of (Late) Thiagarajan, aged 42 years and residing alongwith the 1st part at 20, Chidambaram Nagar, Sattur in Virudhunagar District of the other part, Part-2:

1. Whereas the marriage between the 1st part and the 2nd part was solemnized on 30.11.2000 at Sathyabama Kalyana Mandabam in Kovilpatti in Thoothukudi District and from the marriage they are blessed with a female child on 14.11.2001 who now studies III Year B.Arch at Thiagarajar College of Engineering, Madurai.

2. Whereas unhappy differences have arisen between the 1st part and the 2nd part and the 1st part has filed a petition for dissolution of marriage before the Learned Subordinate Judge, Sivakasi and it was transferred to Kovilpatti at the instance of the 2nd part in H.M.O.P.No.4 of 2015 on the file of the Learned Subordinate Judge. The marriage was dissolved by a decree and judgment dated 23.7.2015 and the same was appealed by the 2nd part herein in HMCMA No.12 of 2015 on the file of the learned I Additional District Judge, Thoothukudi. The appeal was dismissed and dissolution of marriage was confirmed by a decree dated 04.12.2015. As against the dismissal of the appeal the 2nd part herein preferred a 2nd appeal in CMSA(MD) No.24 of 2017 on the file of the Hon'ble Madurai Bench of Madras High Court and the same is pending.

3. Whereas the 2nd part herein filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act against the 1st part herein and his family members for various reliefs including maintenance and compensation and the maintenance and compensation was ordered by an order dated 28.09.2016 as against the 1st part and as against other family members, no reliefs were granted. As against the said order the 1st part preferred an appeal in C.A.No.56 of 2016 on the file of the learned II Additional Sessions Judge, Thoothukudi and the appeal was dismissed by an order



dated 12.07.2018. As against the dismissal of the appeal, revision has been filed by the 1st part in Crl.R.C(MD) No. 294 of 2019 on the file of the Hon'ble Madurai Bench of Madras High Court and the same is pending.

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4. WHEREAS both parties hereto, after having led their life separately for about 10 years in their respective parent's house, both the parties hereto now have realized the value of life, sanctity of marriage and the future of the child and both of them repented themselves. As the result of their realization, both the parties hereto individually, voluntarily and without intervention of anybody decided in consensus for reunion and resumption of marital life and as such both the parties hereto resumed together since 04.03.2021 and started a fresh lease of life in the house of the 1st part at Sattur in Virudhunagar District.

NOW THIS DEED OF MoU WITNESSES and the parties hereto hereby mutually agree as follows:

1. Both the parties hereto mutually agree and declare that absolutely there is no difference of opinion or misunderstanding between them and all the past unhappy things taken between them were condoned and forgotten. Both the parties hereto make it clear that absolutely there is no issues between them as to anything

2. That this MoU has been executed by both the parties of their own free will and accord without any pressure, inducement, force, compulsion or threat from any quarters and with the full consent of their respective parents.

3. That the parties agree that the present MoU supersedes all prior communications, proposals and understandings between the parties whether oral or written/electronic records.

4. That both parties agree to take necessary steps and actions to implement this in letter and spirit and thereby to cancel/set aside the order of dissolution of the marriage which is pending in CMSA No.24 of 2017 on the file of the Hon'ble Madurai Bench of Madras High Court and also the reliefs of maintenance and compensation granted in favour of the 2nd part against the 1st part under the PWDC Act which is pending in CRL.RC(MD) No.294 of 2019 on the file of the Hon'ble Madurai Bench of Madras High Court on getting proper advise from their respective counsel.

5. That this MoU is prepared in four sets and a



copy is supplied to each party and the remaining two copies are handed over to their respective counsel for filing the same in the court."

4. When the matter was taken up today, the parties had appeared in person alongwith their respective counsel and the parties were identified by their respective counsel. When the court enquired the parties, they had stated that without influence of anybody, they had reunited considering the future of their daughter and they have also filed a joint memo of settlement in that regard. They had stated that they had resumed the marital life from 4.3.2021 and they agree to abide by the terms of settlement.

5. The Civil Miscellaneous Second Appeal stands allowed in terms of the Memorandum of Understanding and the joint memo of settlement. The Judgment and decree dated 14.12.2015 passed in H.M.C.M.A.No.12 of 2015 by the I Additional District Court, Thoothukudi and the order dated 23.7.2015 passed in H.M.O.P.No.4 of 2015 by the Sub Court, Kovilpatti are set aside. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

ssk.

Note: In view of the present lock down owing to COVID 19 pandemic, a web copy of the order may be utilised 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. Ist Additional District Judge,
Thoothukudi.

2. Sub Judge,
Kovilpatti.

Copy to

The Section Officer, V.R.Section, (2C)
Madurai Bench of Madras High Court,
Madurai



+1 CC to M/s.V.SASI KUMAR, Advocate (SR-31590[F] dated 07/10/2021)

C.M.S.A.(MD) No.24 of 2017and
C.M.P.(MD) No.6858 of 2017
05.10.2021.

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