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C.M.S.A. No.25 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.S.A. No.25 of 2008

Madhesh

... Appellant

Vs.

Sumathi

... Respondent

PRAYER: Civil Miscellaneous Second Appeal filed under Section 28 of the Hindu Marriage Act, 1955 r/w Section 100 of C.P.C against the judgment and decree dated 23.05.2022 of the Additional District Judge-cum-C.J.M. Erode in C.M.A.No. 55 of 2001 reversing the judgment and decree dated 09.04.20012 of the Sub-Judge, Erode in H.M.O.P.No.42 of 1996.

For Appellant : Mr.Lakshmanasamy for
M/s.UNS Law Firms

For Respondent : M/s.R.Meenal



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JUDGMENT

The Civil Miscellaneous Second Appeal is directed as against the judgment and decree dated 23.05.2022 passed by the Additional District Judge-cum-C.J.M. Erode in C.M.A.No. 55 of 2001 reversing the judgment and decree dated 09.04.20012 passed by the Sub-Judge, Erode in H.M.O.P.No.42 of 1996.

2. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. In this regard a Memorandum of Compromise dated 14.06.2022 has been filed before this Court which has been signed by the petitioner and the respondent. The said Memorandum of Compromise is extracted hereunder:

“1. As there is no chance for re-union between the appellant and the respondent, their marriage dated 03.06.1991 may be dissolved by divorce. The respondent herein has agreed to receive a permanent alimony and one time settlement in a sum of Rs.10,00,000 (Rupees ten lakhs only) by way of Demand Draft drawn in the name



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of the respondent.

2. The respondent herein undertakes that she will not claim any maintenance form the appellant for the present and as well in future.

3. The respondent got back all her belongings from the appellant herein. She undertakes that she will not make any claim over the properties belongs to the appellant herein.

4. As both the parties are in Government service in permanent jobs, both have agreed not to claim any retirement, pension, or any other benefits against each other.

5. The parties agree to bear their respective costs.”

The terms of memorandum of compromise dated 14.06.2022 shall form part and parcel of this decree.

3.In view of the above development, this Court is of the considered view that the present Appeal has to be allowed.



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4. Accordingly, the Civil Miscellaneous Second Appeal stands allowed and the Judgment and decree passed by the Additional District Judge – cum – C.J.M., Erode in C.M.A.No.55 of 2001 dated 23.05.2002 is set aside and the the Judgment and decree passed by the Sub-Judge, Erode in H.M.O.P.No.42 of 1996 dated 09.04.2001 is hereby confirmed. Thus, the marriage held between the appellant and the respondent on 03.06.1991 is dissolved. No costs.

14.06.2022

msv

To

1. The Additional District Judge-cum-C.J.M. Erode
 2. The Sub-Judge, Erode.
 3. The Section Officer
- V.R.Section, High Court of Madras.



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J.NISHA BANU,J.

Msv/Jer

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