



C.R.P.(PD).Nos.1856 to 1858 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).Nos.1856 to 1858 of 2021

&

C.M.P.Nos.14468, 14471 & 14474 of 2021

Nithin Chanth

...Petitioner in all CRPs

Vs

Suriyapriya

... Respondent in all CRPs

Prayer CRP/1856/2021: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order in I.A.No.8 of 2020 filed in H.M.O.P.No.94 of 2018 dated 10.02.2021 on the file of the Subordinate Judge, Mettupalayam.



C.R.P.(PD).Nos.1856 to 1858 of 2021

WEB COPY

Prayer CRP/1857/2021: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order in I.A.No.9 of 2020 filed in H.M.O.P.No.94 of 2018 dated 10.02.2021 on the file of the Subordinate Judge, Mettupalayam.

Prayer CRP/1858/2021: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order in I.A.No.10 of 2020 filed in H.M.O.P.No.94 of 2018 dated 10.02.2021 on the file of the Subordinate Judge, Mettupalayam.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Ms.R.Amizhdhu



C.R.P.(PD).Nos.1856 to 1858 of 2021

COMMON ORDER

The above three Civil Revision Petitions are disposed of on the basis of the memorandum of agreement dated 01.02.2022, which reads that both the parties have set their hands on the 1st day of February 2022.

2. The petitioner is physically present before this Court and the respondent wife is present virtually before this Court. Both of them have agreed that they do not want to continue their matrimonial life as there is an irretrievable breakdown of marriage. They are unable to reconcile their disputes.

3. The Civil Revision Petitions are filed challenging the orders passed in I.A.Nos.8 to 10 of 2019, for the following reliefs:



C.R.P.(PD).Nos.1856 to 1858 of 2021

WEB COPY

(i) I.A.No.8 of 2019: To serve a translated copy of the divorce petition in English enabling the petitioner to instruct his counsel for cross examination and to conduct further trial.

(ii) I.A.No.9 of 2019: To order recall P.W.1 for cross examination and pass suitable order.

(iii) I.A.No.10 of 2019: To permit the petitioner to file additional counter statement to elaborate his defence.

4. H.M.O.P.No.94 of 2018 has been filed by the respondent wife for divorce on the ground of cruelty. The respondent wife who had appeared virtually would submit that she is ready to eschew all the allegations that have been made against her husband and it would suffice she be granted an order of divorce. The respondent husband who was physically present thereupon agreed that he was ready to submit himself for a decree for divorce. Therefore, this Court exercising its Jurisdiction under Article 227 of the Constitution of



C.R.P.(PD).Nos.1856 to 1858 of 2021

India is granting a divorce on the basis of the submission made by the husband that he has no objection to the divorce being granted.

5. It is needless to state that since divorce has been granted the wife shall comply with the terms set out in paragraph Nos.5 (iii) , 5 (iv) and 5(v), which are as follows:

“iii. As soon as the divorce is granted, the first party will have no objection to the quashing of the F.I.R. in Cr.No.28/2019 u/s 498[A], 323, 506[1] of the IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, pending on the file of the Inspector of Police, All Women Police Station, Thudiyalur, Coimbatore and the first party shall, through video conferencing mode, appear in the High Court and give her ‘no objection’ for the quashing of the F.I.R. in Cr.No.28/2019 u/s 498[A], 323, 506[1] of the IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, pending on the file of the Inspector of Police, All Women Police Station, Thudiyalur, Coimbatore.



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C.R.P.(PD).Nos.1856 to 1858 of 2021

iv. *In view of the amicable settlement talks now finalised, the first party shall also withdraw the Domestic Violence case bearing [D.V.A.No.15](#) of 2018 on the file of the Judicial Magistrate, Mettupalayam, Coimbatore District.*

v. *Both parties forfeit any demands for financial claims or property claims or any other monetary demand or otherwise, from either side on any aspect touching their marriage.”*

6. Since orders have been passed in the above Civil Revision Petitions, clause 5 (ii) becomes redundant. Clause 5 (i) is modified to the extent that *the no objection for divorce by the husband has been taken note by the Court and the wife has also agreed to eschew all the allegations made against her husband.*

7. Therefore, divorce is granted dissolving the marriage between the petitioner and the respondent, which was solemnised on 16.04.2014



C.R.P.(PD).Nos.1856 to 1858 of 2021

WEB COPY

and all the allegations made against the respondent by the petitioner stands eschewed.

8. The memorandum of agreement is taken on file and all other terms of the memorandum shall form part of the decree. The learned counsel for the respondent wife has identified her client.

9. The Civil Revision Petitions are disposed of on the above lines. Consequently, connected Civil Miscellaneous Petitions are closed. No costs.

14.02.2022

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Index : Yes/No
Speaking order/non-speaking order
To
1.The Subordinate Judge, Mettupalayam.



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C.R.P.(PD).Nos.1856 to 1858 of 2021

P.T.ASHA, J.,

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C.R.P.(PD).Nos.1856 to 1858 of 2021

14.02.2022