



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.A.NOS.4005 & 4006 OF 2019
AND
C.M.P.NOS.22632 & 22638 OF 2019

S.Shankara Narayanan

... Appellant/Respondent
in CMA.4005/19
Appellant/Petitioner
in CMA.4006/19

Vs.

T.Suganya

... Respondent/Petitioner
in CMA.4005/19
Respondent/Respondent
in CMA.4006/19

Common Prayer:

These Civil Miscellaneous Appeals are filed under Section 28 of the Hindu Marriage Act, 1955 read with Section 19 of Family Court Act, 1984, to set aside the common order and decree dated 27.04.2019 made in O.P.Nos.4163 & 4164 of 2018 on the file of the Principal Family Court, Chennai.

(In both the appeals)

For Appellant : Mr.R.Thamaraiselvan

For Respondent : Mr.R.Abdul Mubeen



C O M M O N J U D G M E N T
[Judgment of the Court was delivered by V.M.VELUMANI,J.]

The appellant/husband filed H.M.O.P.No.53 of 2017 under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 for dissolution of marriage that was conducted on 28.11.2014 between the appellant and respondent. The respondent/wife filed F.C.O.P.No.180 of 2017 under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights. The said H.M.O.P. and F.C.O.P. were transferred to the file of the Principal Judge, Family Court at Chennai and renumbered as H.M.O.P.Nos.4164 and 4163 of 2018 vide order of this Court dated 05.06.2018, made in Tr.C.M.P.Nos.1029 and 1030 of 2017. By the common judgment dated 27.04.2019, the said H.M.O.P.No.4163 of 2018 filed by the respondent was allowed and F.C.O.P.No.4164 of 2018 filed by the appellant was dismissed. Against the said common order, the appellant has come out with the present two appeals.

2.When the matter is taken up for hearing today, both the appellant and respondent appeared before this Court. They were identified by their respective counsel. The learned counsel appearing for the appellant and respondent along with the parties represented that the parties have arrived at the settlement and are filing a Joint Memo of Compromise, duly signed by both the appellant as well as respondent and their respective counsel and prayed for passing of decree by mutual consent. Both the appellant and respondent mutually agrees for divorce and prayed for dissolution of marriage conducted between them on 28.11.2014.

3.The Joint Memo of Compromise dated 06.07.2022, duly signed by both the appellant as well as respondent and their respective counsel is taken on file and the same is recorded. Recording the Joint Memo of Compromise and the submissions of the learned counsel appearing for the appellant as well as the respondent, these Civil Miscellaneous Appeals are disposed of by dissolving the marriage conducted between the appellant and respondent on 28.11.2014. The Joint Memo of Compromise dated 06.07.2022 shall form part of the decree. Consequently, connected Miscellaneous Petitions are closed. No costs.

4.The learned counsel appearing for the appellant submitted that the appellant will upload the settlement deed to be executed in favour of one Niviin Saai, son of the appellant and respondent, on 11.07.2022 and subsequently, Registration will be on 12.07.2022. The appellant also undertakes to send all the household articles of the respondent mentioned in the Joint Memo of Compromise and Affidavit of Assets to the respondent's house on or before 12.07.2022.



Post the matter for 'reporting compliance' on 15.07.2022.

*Xerox copy of Joint Memo of Compromise is enclosed.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Principal Judge,
Family Court,
Chennai.

Copy To

- 1 The Section Officer,
VR Section,
High Court, Madras.
- 2 The Section Officer,
Judicial Section/Department
High Court, Madras.
(For reporting compliance on 15.07.2022)

C.M.A.Nos.4005 & 4006 of 2019

SSI(CO)
PM/07/07/2022