



WEB COPY

C.M.A.No.2385 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A.No.2385 of 2022

and

C.M.P.No.18570 of 2022

I.Asma

.. Appellant

Vs.

1.A.Feroz

2.Nazeera Shaikh

.. Respondents

Common Prayer: This Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1984, against the order and decree dated 08.07.2022 made in I.A.No.1381 of 2013 in I.A.No.3536 of 2011 in O.S.No.237 of 2011 on the file of the Principal Family Court, Chennai.

For Appellant : Ms.C.Shyaamala
For R1 : Mr.K.Elango

J U D G M E N T

(Judgment of the Court was delivered by V.M.VELUMANI,J.)

The 1st respondent filed O.P.No.2207 of 2011 on the file of the

Principal Family Court, Chennai under Section 27(1)(d) of the Special



Marriage act, 1954, to pass a decree of divorce dissolving the marriage between the 1st respondent and appellant which was solemnized on 19.10.2008 on the ground of cruelty and for costs.

2.The appellant filed O.P.No.3458 of 2011 on the file of the III Family Court, Chennai, under Section 22 of the Special Marriage Act, 1954, for restitution of conjugal rights directing the 1st respondent to come and live with the appellant and for costs.

3.Thereafter, the appellant filed O.S.No.237 of 2011 on the file of the Principal Family Court, Chennai, under Order VII Rule 1 of the Code of Civil Procedure for judgment and decree against the 1st respondent declaring the letters of Talak dated 01.07.2011, 05.09.2011 and 10.10.2011 as null and void and not maintainable in law as the marriage between the appellant and 1st respondent has been solemnized on 19.10.2008 under the Special Marriage Act and for costs.

4.The appellant filed I.A.No.3536 of 2011 in O.S.No.237 of 2011 under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure to grant an order of interim injunction restraining the 1st respondent from



contracting a second marriage until the proceedings in suit in O.S.No.237 of 2011 and also the proceedings in O.P.No.2207 of 2011 and O.P.No.3458 of 2011 pending on the file of the III Additional Family Court, Chennai, are disposed of by due process of law.

5.The 1st respondent filed counter affidavit in I.A.No.3536 of 2011 in O.S.No.237 of 2011 and denied all the averments made by the appellant in I.A.No.3536 of 2011.

6.The learned Principle Judge, Family Court, Chennai by the order dated 01.12.2011 made in I.A.No.3536 of 2011 in O.S.No.237 of 2011 granted *status quo* till 13.12.2011.

7.The appellant filed I.A.No.1381 of 2013 in I.A.No.3536 of 2011 in O.S.No.237 of 2011 on 23.05.2013 under Order XXXIX Rule 2-A of the Code of Civil Procedure to initiate contempt proceedings against the 1st respondent for disobedience of the order of injunction granted by the learned Principal Judge, Family Court, Chennai in I.A.No.3536 of 2011.

8.The 1st respondent filed counter affidavit in I.A.No.1381 of 2013



in I.A.No.3536 of 2011 in O.S.No.237 of 2011 during the month of October 2013 and denied all the averments made by the appellant in I.A.No.1381 of 2013 in I.A.No.3536 of 2011 in O.S.No.237 of 2011.

9.The learned Principal Judge, Family Court, Chennai, by the order dated 08.07.2022 made in I.A.No.1381 of 2013 in I.A.No.3536 of 2011 in O.S.No.237 of 2011, dismissed the said I.A.No.1381 of 2013.

10.Challenging the said order dated 08.07.2022 dismissing I.A.No.1381 of 2013 in I.A.No.3536 of 2011 in O.S.No.237 of 2011, the appellant / wife has come out with the present appeal.

11.When this matter is taken up for hearing today, the learned counsel appearing for the appellant as well as the learned counsel appearing for the 1st respondent submitted that the matter has been settled between the appellant and 1st respondent, they filed Joint Memo of Compromise dated 25.11.2022 duly signed by the appellant, 1st respondent and their respective counsel and agreed for dissolving the marriage solemnized between the appellant and 1st respondent on 19.10.2008 under Muslim Religious Rites and Customs and prayed for



dismissing C.M.A.No.2385 of 2022 in terms of Joint Memo of Compromise.

12.The Joint Memo of Compromise dated 25.11.2022, duly signed by both the appellant as well as 1st respondent and their respective counsel is taken on file and the same is recorded.

13.Recording the Joint Memo of Compromise and the submissions of the learned counsel appearing for the appellant as well as the 1st respondent, this Civil Miscellaneous Appeal is disposed of in terms of Joint Memo of Compromise dated 25.11.2022. The Joint Memo of Compromise dated 25.11.2022 shall form part of the decree. Consequently, the connected Miscellaneous Petition is closed. No costs.

14.Post the matter 'for reporting compliance' during third week of January 2023.

(V.M.V., J) (S.M., J)

25.11.2022

krk
Index : Yes / No
Internet : Yes / No



WEB COPY



C.M.A.No.2385 of 2022

V.M.VELUMANI, J.

and

SUNDER MOHAN, J.

krk

To

1.The Principal Judge,
Family Court,
Chennai.

2.The Section Officer,
VR Section,
High Court,
Madras.

C.M.A.No.2385 of 2022

25.11.2022