



C.R.P.No.3654 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3654 of 2022

K.Sathya

... Petitioner

VS

L.Shankar

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to issue a direction to the learned I Additional Family Court, Chennai to entertain the Joint Memo of Compromise of Petitioner and Respondent dated 31.10.2022 and grant decree of Divorce in H.M.O.P.No.5136 of 2021 pending on the file of the I Additional Family Court, Chennai within a stipulated time.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.G.Ranganathan

ORDER

The Civil Revision Petition is filed by the revision petitioner seeking a direction to the I Additional Family Court, Chennai to entertain the Joint Memo of Compromise filed by the petitioner and respondent dated 31.10.2022 and grant decree for divorce by mutual consent in H.M.O.P.No.5136 of 2021.



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2. Heard the arguments of both the learned counsel for the petitioner and respondent.

3. The petitioner/wife filed a petition seeking divorce on the ground of cruelty against the respondent in H.M.O.P.No.5136 of 2021 on the file of the I Additional Family Court, Chennai.

4. It is stated by both the counsel that pending divorce petition, both the parties agreed to settle the dispute amicably and agreed to get decree for divorce by mutual consent. Accordingly, they filed a Joint Memo of Compromise dated 31.10.2022 before the I Additional Family Court, Chennai.

5. The perusal of the Joint Memo of Compromise dated 31.10.2022 filed by the petitioner and respondent would suggest that both of them had resolved the disputes amicably and agreed to have a consent decree for divorce on terms and conditions set out in the joint memo of compromise.

6. In the Joint Memo of Compromise dated 31.10.2022, both the petitioner and respondent have not mentioned that they agreed to have the marriage dissolved by decree of divorce by mutual consent.



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WEB COPY 7. Therefore, it is open to both the petitioner and respondent to file a fresh joint memo of compromise mentioning that both of them agree for divorce by mutual consent. If any such joint compromise memo is filed by the parties before the Court below, there may not be any impediment for the Court below to consider the same and dispose of the main original petition on terms of such joint compromise memo.

8. With these observations, the Civil Revision Petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

dm

Note: Issue order copy on 23.11.2022.



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S.SOUNTHAR, J.

dm

To

The I Additional Family Court,
Chennai.

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