



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A(MD)No.412 of 2022

Michael Leo Valan @ M.Leo Valan

... Appellant/Petitioner

-vs-

Annie Vanitha

... Respondent/Respondent

PRAYER: Appeal filed under Section 19 of Family Courts Act r/w Section 55 of Indian Divorce Act, to call for the records and set aside the Fair and Executable order in I.D.O.P.No.870 of 2021, dated 14.12.2021 passed by the learned Family Court Judge, Madurai and pass further orders on the basis of joint compromise memo, dated 24.11.2021 and allow this appeal.

For Appellant : Mr.N.Ananthapadmanabhan

For Respondent : Mr.K.Gnanasekaran

JUDGMENT

R. SUBRAMANIAN, J

AND

N. SATHISH KUMAR, J

Aggrieved by the refusal of the learned Judge, Family Court, Madurai to record the compromise, the parties are on appeal before us.

2. The parties entered into a compromise pending divorce proceedings under the Indian Divorce Act in I.D.O.P.No.870 of 2021. The learned Judge, Family Court, Madurai refused to record the compromise on the ground that cruelty has not been established. The learned Judge, Family Court, Madurai has misunderstood the provisions of Sub-Section (1) of Section 10(a) of the Divorce Act introduced in the year 2001. In any event, the parties have now entered into the compromise and the Joint Compromise Memo, dated 24.11.2021, has been filed. The said Joint Compromise Memo is taken



on file. The parties are present and they are affirmed the factum of compromise.

3. Taking note of the fact that they have been living separately for more than two years and considering the fact that the parties are litigating for more than 6 months, the six months cooling period is waived. In view of the compromise I.D.O.P.No.870 of 2021, on the file of the Family Court, Madurai will stand allowed and the marriage will stand dissolved and the memo of compromise shall form part and parcel of the decree. It is stated that the payment agreed that has been paid.

4. In view of the above, the Civil Miscellaneous Appeal is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Encl: Photocopy of Compromise Memo.

To:

The Judge,
Family Court, Madurai.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.K. GNANASEKARAN, Advocate (SR-21491[F] dated 27/04/2022)

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-21292[F] dated 26/04/2022)

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MGJ(11.05.2022) 2P 6C